

**ARTICLE XXV. BU-1A, LIMITED BUSINESS DISTRICT\***

\*Editor's note—Ord. No. 74-23, § 1, adopted April 16, 1974, amended Art. XXV, pertaining to the BU-1A District, to read as set out in §§ 33-246—33-251.5. Section 4 of said Ord. No. 74-23 provided:

"Section 4. The provisions of this ordinance shall become effective ten (10) days from date of its enactment. However:

"Provisions of this ordinance shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits within sixty (60) days from the effective date of this ordinance provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established by the Building Code. As to all such buildings, the pertinent zoning regulations in effect prior to the effective date of this ordinance shall be applicable. Where a development or project site plan has been approved prior to the adoption of this ordinance by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to the adoption of this ordinance, an agreement, letter of intent, or performance standards encompassing all of the basic items constituting a site plan has been recorded or adopted by resolution of the Zoning Appeals Board or the Board of County Commissioners, this ordinance shall not be applicable thereto so long as the following conditions are met:

- (1) This exception shall apply only to those properties covered by the specific site plan, letter of intent, performance standards, or agreement.
- (2) Such project is developed in accordance with the approved site plan or agreement, letter of intent or performance standards and in accordance with pertinent regulations in effect prior to the effective date of this ordinance.
- (3) Such development or project shall be commenced on or before the expiration of nine (9) months from the effective date of this ordinance. Site preparation, such as filling or excavating as well as commencement of construction of buildings, shall, for the purpose of this section, constitute commencement of work.
- (4) Such project is under continual construction unless acts of God cause an interruption in construction. Any cessation of construction for a period of nine (9) months shall be conclusive presumption of an abandonment of the approved project or development and uncompleted portion of said project or development shall be subject to terms and conditions of this ordinance."

Formerly Art. XXV, §§ 33-246—33-251, was derived from Ord. No. 57-19, § 19(A)—(C), adopted Oct. 22, 1957; Ord. No. 58-30, § 1, adopted July 17, 1958; Ord. No. 62-15, § 1, adopted March 6, 1962; Ord. No. 65-50, § 1, adopted July 27, 1965; Ord. No. 67-50, § 1, adopted July 11, 1967; Ord. No. 68-19, § 1, adopted April 16, 1968; Ord. No. 68-28, § 1, adopted May 21, 1968; and Ord. No. 69-54, § 2, adopted Sept. 17, 1969.

**Sec. 33-246. Purpose.**

The purpose of the BU-1A, General Business District, is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-247. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one or more of the following uses:

- (1) All uses permitted in the BU-1 District except that residential uses are subject to approval at a public hearing.
- (1.1) Amusement center as defined in Section 33-1(5.1).

**(2) Auditoriums.****(3) Automobile new parts and equipment, sales only.****(4) Automobile and light truck, new sales agency or rental shall be permitted only upon approval after public hearing and subject to the following conditions:**

- (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Director and the Director of the Public Works Department for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center. The shade trees shall have a minimum caliper of two and one-half (2½) inches at time of planting.

- (b) That a decorative masonry wall at least five (5) feet in height shall enclose the vehicle storage area and repair area approved through public hearing. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article.
  - (c) That all outdoor paging or speaker systems are expressly prohibited.
  - (d) That no repair work of any type is permitted on premises unless approved after public hearing.
  - (e) That accessory used vehicle sales shall be permitted providing said vehicles are late model and in operable condition.
  - (f) That the applicant obtain a certificate of use and occupancy which shall be automatically renewable yearly upon compliance with all terms and conditions applicable.
- (5) Automobile service stations (which may include facilities available for sale of other retail products and services related to the servicing of automobiles) including rental of single axle hauling trailers. Plans for paved areas, driveways or curb cuts of service stations shall be submitted to and approved by the Department of Public Works and, where required, the Florida State Department of Transportation before a permit can be issued. As an accessory use, the service stations may perform minor automobile repairs as herein listed:
- (a) Sale and servicing of spark plugs and batteries.
  - (b) Tire repair and servicing, but no recapping.
  - (c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluids, light bulbs, floor mats, seat covers, wiper blades, arms for windshields and replacement of grease retainers and wheel bearings.
  - (d) Radiator cleaning and flushing.
  - (e) Washing and polishing.
  - (f) Greasing and lubrication.
  - (g) Exchanging fuel pumps and installing fuel lines.
  - (h) Minor servicing or replacement of carburetors.
  - (i) Emergency wiring repairs.
  - (j) Adjusting brakes and installing or exchanging brake shoes.
  - (k) Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines and/or crankcases.
  - (l) Wheel balancing and aligning.
  - (m) Shock absorbers.
- (6) Automobile self-service gas stations (as defined in Section 14-9 of the Code), subject to the following restrictions:
- (a) Compliance with Chapter 14, Section 9 (fire prevention code).
  - (b) Attendant-control area to have clear visibility to all pumps, and this shall prohibit the use of attraction signs on the windows of said attendant-control area.
  - (c) Parking will be provided on the basis of one (1) space for each three hundred (300) square feet of retail product sales area, with a minimum of three (3) spaces which will be designed so as not to interfere with the gasoline dispensing operation.
  - (d) Where the gasoline/retail product sales uses are designed as one structure, the building will receive full credit and the canopy one-half credit toward the minimum square foot building requirement.
- (7) Automobile storage within a building.
  - (8) Automobile tires, batteries and accessories (new) retail only installation permitted.
  - (9) Automobile washing.
  - (10) Bait and tackle shops.
  - (11) Banks, including drive-in teller service.
  - (12) Billiard rooms and pool rooms.

- (13) Boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.
- (14) Bowling alleys, provided that such establishments are not located closer than five hundred (500) feet to an RU, or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.
- (15) Convention halls.
- (16) Dancing halls or dancing academies in air conditioned buildings providing no intoxicating beverages of any kind are served, providing that such establishments are not located closer than five hundred (500) feet to an RU, or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.
- (17) Dog and pet hospitals in air-conditioned buildings.
- (18) Dry cleaning establishments, using noninflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- (19) Electrical appliance and fixtures stores including related repair shops.
- (20) Employment agencies.
- (21) Furniture stores, retail of new merchandise only.
- (22) Grocery stores.
- (23) Handcrafted-products shop.
- (24) Health and exercise clubs, including bath and massage parlors.
- (25) Junior department stores.
- (26) Lawn mowers, retail, sales and service.
- (26.1) Medical observation dormitory as defined in Section 33-1(69.05) subject to the following conditions:
  - (a) That such uses on sites of ten (10) net acres or more shall be approved only after public hearing;
  - (b) That such uses shall be located on sites having frontage on a major access road, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways;
  - (c) Minimum five (5) foot high masonry wall be provided along all perimeter property lines abutting residentially zoned property, penetrated only at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress;
  - (d) That the facility is located on a site consisting of at least three (3) or more net acres;
  - (e) That research conducted at the property shall be limited to testing of normal healthy volunteers and of clinically stable representatives of the diseased states for which medications being tested are ultimately intended;
  - (f) That protocols that require treating of mentally ill subjects, including persons with any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, shall not be performed at the research facility;
  - (g) That such use shall be located no less than twenty-five hundred (2,500) feet from any other such establishments. For the purposes of this subsection, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest property line of the existing place of business. For the purpose of establishing the distance between such establishments, the operator shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business

ness and any existing establishment within 2,500 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the director shall govern;

- (h) That the operator obtains an annually renewable certificate of use and occupancy for such use on the property.
- (27) Mortuaries or funeral homes.
- (28) Motorcycles sales and repair.
- (29) Natatoriums.
- (30) Open-air theaters.
- (31) Package stores in shopping centers provided the shopping center is in full compliance with all provisions of Section 33-150(E)(9) of this Code.
- (32) Pet shops and dog beauty parlors in air-conditioned buildings.
- (33) Post office stations and branches, operated by postal service employees or agents, which directly serve the public.
- (34) Printing shops.
- (35) Private clubs.
- (36) Propagating and growing plants for sale. Fertilizers, manure, compost and soil shall be limited for sale. Fertilizers, manure, compost and soil shall be limited in quantities for immediate use and shall be kept at least two hundred (200) feet from residential buildings in RU and EU Districts.
- (37) Pubs and bars if approved at public hearing.
- (37.1) Restaurants providing an accessory children's outdoor playground facility subject to the following requirements:
  - (a) The restaurant providing such an accessory use shall contain not less than two thousand five hundred (2,500) square feet of improved building area;
  - (b) The total outdoor playground-area shall not exceed thirty-five (35) percent of the square footage of the subject restaurant structure;
  - (c) The playground equipment shall be the non-mechanical type and shall be designed and intended for children two (2) through twelve (12) years of age;
  - (d) The playground shall be immediately adjacent to, visible from, and accessible from the indoor patron area;
  - (e) The playground area shall be enclosed with a masonry wall or fence not less than four (4) feet in height and any gates shall be of the spring lock type, so that they shall automatically be in a closed and fastened position at all times; and
  - (f) The playground area shall not reduce required parking or landscaping for the site and shall be set back no less than ten (10) feet from any property line and in compliance with all Code requirements;
  - (g) Site plan review and approval shall be required as provided in Section 33-251.5.
- (38) Self-service storage facility. Use will only be permitted upon the submission of a site plan which shall be approved at public hearing. "Self-service storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.
- (39) Skating rinks, provided same are not located closer than five hundred (500) feet to an RU or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.
- (40) Supermarkets.
- (41) Tailor shops.

- (42) Telegraph stations.
- (43) Telephone exchange.
- (44) Theaters for live stage production and motion pictures.
- (45) Variety stores.
- (46) Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to self-storage facilities, providing the following conditions are met in addition to those specified in sub-articles (4)(a) and (4)(c)—(f) above:
  - (i) That a decorative masonry wall at least eight (8) feet in height shall enclose the vehicle storage area and repair area. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article. Prior to the granting of any building permit for such wall, the permit applicant shall post with the director a bond in the amount of two thousand five hundred dollars (\$2,500.00) to provide for the costs of removal of graffiti from the wall by the department as provided in Section 21-30.1(d)(6), Code of Miami-Dade County, as amended, should the applicant fail after notice to remove such graffiti.
  - (ii) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least forty-eight (48) inches high at the time of planting, or other reasonable landscape plans acceptable to the department.
  - (iii) That there be no rental of any truck having a net vehicle weight exceeding twelve thousand six hundred pounds (12,600) pounds.
  - (iv) That for each one hundred (100) self-storage units there shall be no more than one (1) rental truck stored, e.g., 1—100 units: 1 rental truck; 101—200 units; 2 rental trucks, etc.; provided however, no more than eight (8) rental trucks may be stored on the premises.
  - (v) That no building in the area enclosed by the wall shall exceed two (2) stories in height.
  - (vi) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times.
  - (vii) That there shall be no repairs or maintenance work on vehicles on the premises of the self-storage facility.
  - (viii) That the area of self-storage facilities be not less than 2.5 acres.

(Ord. No. 74-23, § 1, 4-16-74; Ord. No. 76-5, §§ 3, 4, 1-20-76; Ord. No. 77-45, § 1, 7-5-77; Ord. No. 77-69, § 3, 9-20-77; Ord. No. 80-35, § 1, 5-6-80; Ord. No. 81-58, § 2, 5-19-81; Ord. No. 85-37, § 1, 6-6-85; Ord. No. 87-6, § 2, 2-17-87; Ord. No. 90-118, § 1, 11-6-90; Ord. No. 91-92, § 1, 9-16-91; Ord. No. 95-105, § 1, 6-20-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 15, 9-4-96; Ord. No. 01-131, § 2, 9-13-01)

#### **Sec. 33-248. Setbacks, cubic content, yard area, etc.**

Setbacks, cubic content, yard area, lot sizes, etc., shall be as specified in article II of this chapter.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-249. Height.**

The maximum height of a building shall be four (4) stories and shall not exceed forty-five (45) feet in height.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-250. Floor area ratio and lot coverage.**

The floor area ratio shall be 0.40 at one (1) story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or nonenclosed mail areas shall not count as part of the floor area for floor area ratio computation purposes, nor as part of the lot coverage.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-251. Landscaped open space.**

The minimum landscaped open space at one (1) story shall be in accordance with the following table:

<i>Size of the Total Lot Area</i>	<i>Percent of the Total Lot Area</i>
Up to one (1) acre	18.0
More than one (1) acre and up to five (5) acres	16.0
More than five (5) acres and up to twenty-five (25) acres	14.0
More than twenty-five (25) acres	12.0

The minimum landscaped open space shall be increased by one and one-half (1.5) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass,

trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and area therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(Ord. No. 74-23, § 1, 4-16-74; Ord. No. 95-223, § 1, 12-5-95)

**Sec. 33-251.1. Prohibited uses.**

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-251.2. Enclosed uses.**

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-251.3. Business property adjacent to residential districts.**

Where a business lot abuts an AU, GU, RU or EU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress

purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU, RU or EU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

(Ord. No. 74-23, § 1, 4-16-74)

#### **Sec. 33-251.4. Reserved.**

**Editor's note**—Section 33-251.4, pertaining to expansion of existing commercial structures, has been deleted as obsolete. The section was derived from Ord. No. 74-23, § 1, adopted April 16, 1974.

#### **Sec. 33-251.5. Plan review standards.**

(A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

(B) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:

- (1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
  - (a) Proposed commercial floor area.
  - (b) Height, size, shape and location of existing and proposed buildings.
  - (c) Parking layouts.
  - (d) Proposed grades if significantly altered.
  - (e) Existing and proposed fences, walls, signs, architectural accents, street furniture and location of advertising or graphic features.
  - (f) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (2) Schematic building plans including elevation and/or sections of major structures.
- (3) Isometrics or perspective and/or model(s) of the proposed development.

The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

- (1) Planning studies. Design or planning studies completed by the Department and submitted to the County Commission that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
- (2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships

- that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
- (3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
  - (4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
  - (5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
  - (6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
  - (7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and be harmonious with the building design.
  - (8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.
  - (9) Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Code of Miami-Dade County.
  - (10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
  - (11) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
    - (a) *Wall with landscaping.* The wall shall be setback two and one-half (2½) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
      - (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
      - (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
      - (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
    - (b) *Metal picket fence.* Where a metal picket fence abutting a zoned or ded-



icated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

(Ord. No. 74-23, § 1, 4-16-74; Ord. No. 95-19, § 10, 2-7-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-223, § 1, 12-5-95; Ord. No. 96-127, § 16, 9-4-96; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 99-38, § 11, 4-27-99)

**ARTICLE XXIV. BU-1, NEIGHBORHOOD BUSINESS DISTRICT\***

**\*Editor's note**—Ord. No. 74-22, § 1, adopted April 16, 1974, amended Art. XXIV, pertaining to the BU-1 District, to read as set out in §§ 33-327—33-245.2. Formerly Art. XXIV, §§ 33-237—33-245, was derived from Ord. No. 57-19, § 18(A)—(C), (E)—(G), adopted Oct. 22, 1957; Ord. No. 62-18, § 1, adopted April 17, 1962; Ord. No. 64-19, § 6, adopted May 5, 1964; and Ord. No. 69-54, § 1, adopted Sept. 17, 1969.

Section 4 of said Ord. No. 74-22 provides:

"Section 4. The provisions of this ordinance shall become effective ten (10) days from date of its enactment. However:

"Provisions of this ordinance shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits within sixty (60) days from the effective date of this ordinance provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established by the Building Code. As to all such buildings, the pertinent zoning regulations in effect prior to the effective date of this ordinance shall be applicable. Where a development or project site plan has been approved prior to the adoption of this ordinance by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to the adoption of this ordinance, an agreement, letter of intent, or performance standards encompassing all of the basic items constituting a site plan has been recorded or adopted by resolution of the Zoning Appeals Board or the Board of County Commissioners, this ordinance shall not be applicable thereto so long as the following conditions are met:

- (1) This exception shall apply only to those properties covered by that specific site plan, letter of intent, performance standards, or agreement.
- (2) Such project is developed in accordance with the approved site plan or agreement letter of intent or performance standards and in accordance with pertinent regulations in effect prior to the effective date of this ordinance.
- (3) Such development or project shall be commenced on or before the expiration of nine (9) months from the effective date of this ordinance. Site preparation, such as filling or excavating as well as commencement of construction of buildings, shall, for the purpose of this section, constitute commencement of work.
- (4) Such project is under continual construction unless acts of God cause an interruption in construction. Any cessation of construction for a period of nine (9) months shall be conclusive presumption of an abandonment of the approved project or development and the uncompleted portion of said project or development shall be subject to terms and conditions of this ordinance."

**Sec. 33-237. Purpose.**

The purpose of the BU-1, Neighborhood District, is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-238. Uses permitted.**

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

- (1) Residential uses may be permitted as a combination of permitted business uses and residential uses housed in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.

- (2) Antique shops.
- (3) Apparel stores selling new and/or used merchandise, provided such establishments offering used merchandise contain not more than four thousand (4,000) square feet of gross floor area. The incidental sales of used jewelry, used toys, and used furniture shall be permitted in conjunction with the sales of used apparel, provided that the floor area devoted to the display of those incidental sales items does not exceed thirty (30) percent of the total gross floor area of the apparel store.
- (4) Art good stores, artist studios and photograph shops and galleries.
- (5) Attended, non-motorized donation collection vehicles as described in Section 33-19; provided, however, that such attended non-motorized donation collection vehicles are placed only on improved property on sites of not less than one-half acre in size, in compliance with required setbacks, and not in required landscape ar-

eas or required parking areas and not in an area which would impede traffic circulation. It is further provided, that no attended non-motorized donation collection vehicle shall be placed within twenty-six hundred (2600) feet of another non-motorized donation collection vehicle; the distance shall be measured by following a straight line from the nearest property line where the proposed attended, non-motorized donation collection vehicle is to be located to the nearest property line of an existing attended, non-motorized donation collection vehicle. Notwithstanding any ordinance, resolution or administrative order to the contrary no fee shall be charged for the issuance of a certificate of use and occupancy.

- (6) Banks, excluding drive-in teller service.
- (7) Beauty parlors.
- (8) Bakeries, retail only (baking permitted on premises).
- (9) Barber shops.
- (10) Bicycle sales, rentals and repairs (nonmotorized).
- (11) Confectionery, ice cream stores and dairy stores.
- (12) Conservatories and music and dance schools, provided no such establishment is located within five hundred (500) feet of any RU, or EU District except after approval after public hearing.
- (13) Dairy stores.
- (13.5) Drugstores.
- (14) Donated goods centers for the acceptance only of new or used merchandise, upon compliance with the following conditions:
  - (a) The portion of the donated goods center which is open to the public shall not exceed 2000 square feet;
  - (b) A solid wall shall separate the public area of the donated goods center from the balance of the said center and shall prevent public access to the balance of said center;

- (c) The donated goods center must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service;
- (d) The donated goods must be accepted by personnel directly employed by or volunteers for the not-for-profit organization;
- (e) The monetary proceeds resulting from the sale of donations collected at a donated goods center must be used in accordance with the organization's charitable purpose pursuant to Section 33-238(14)(c) to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters;
- (f) The operation of the donated goods center, the collection and use of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization;
- (g) A declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.
- (15) Florist shops.
- (16) Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.

- (17) Hardware stores.
  - (18) Information booth, gate house and security station. The structure housing these uses shall comply with principal building setback requirements but need not comply with any minimum square footable requirements for the districts.
  - (19) Interior design shops, office and display only.
  - (20) Jewelry stores, including incidental sales and purchases of used jewelry.
  - (21) Leather goods and luggage shops.
  - (22) Mail order offices, without storage of products sold.
  - (22.1) Museum.
  - (23) Newsstand.
  - (24) Office buildings.
  - (25) Optical stores.
  - (26) Paint and wallpaper stores.
  - (27) Photograph galleries.
  - (28) Pottery shops.
  - (29) Restaurants and coffee houses or dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provisions for carrying away or dissipating fumes, odors, smoke or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passersby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
  - (29.1) Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.
  - (30) Schools.
  - (31) Self-service post office which contains mechanical or computer equipment designed to provide limited postal service for walk-up trade.
  - (32) Shoe stores and shoe repair shops.
  - (33) Sporting goods stores.
  - (34) Tailor shops, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
  - (35) Tobacco shops.
  - (36) Variety stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
  - (37) Any property in a BU District may be used as access for egress and ingress only to property zoned in any BU classification or in any IU classification provided that both properties are under the same ownership.
  - (38) Outside walk-up window service (no outside stools, chairs or tables), in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- (Ord. No. 74-22, § 1, 4-16-74; Ord. No. 76-45, § 1, 5-18-76; Ord. No. 77-60, § 2, 9-6-77; Ord. No. 77-69, § 2, 9-20-77; Ord. No. 92-144, § 1, 11-17-92; Ord. No. 95-80, § 1, 5-2-95; Ord. No. 95-123, § 1, 7-11-95; Ord. No. 96-129, § 1, 9-10-96; Ord. No. 97-13, § 1, 2-25-97; Ord. No. 98-46, § 1, 4-21-98; Ord. No. 99-99, § 2, 9-9-99)

**Sec. 33-239. Setbacks, cubic content, yard area, etc.**

Setbacks, cubic content, yard area, lot sizes, etc., shall be as specified in article II of this chapter.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-240. Height.**

The maximum height of a building shall be two (2) stories and shall not exceed thirty-five (35) feet in height.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-241. Floor area ratio and lot coverage.**

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-one-hundredths (0.11) for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-242. Landscaped open space.**

The minimum landscaped open space at one (1) story shall be in accordance with the following table:

<i>Size of the Total Lot Area</i>	<i>Percent of the Total Lot Area</i>
Up to one (1) acre	18.0%
More than one (1) acre and up to five (5) acres	16.0%
More than five (5) acres and up to twenty-five (25) acres	14.0%
More than twenty-five (25) acres	12.0%

The minimum landscaped open space shall be increased by one and one-half (1.5) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space.

The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(Ord. No. 74-22, § 1, 4-16-74; Ord. No. 95-223, § 1, 12-5-95)

**Sec. 33-243. Prohibited uses.**

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-244. Enclosed uses.**

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-245. Business property adjacent to residential districts.**

Where a business lot abuts an AU, GU, RU or EU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU, RU or EU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-245.1. Reserved.**

**Editor's note**—Section 33-245.1, pertaining to expansion of existing commercial structures, has been deleted as obsolete. It was derived from Ord. No. 74-22, § 1, adopted April 16, 1974.

**Sec. 33-245.2. Plan review standards.**

(A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The

decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

(B) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:

- (1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
  - (a) Proposed commercial floor area.
  - (b) Height, size, shape and location of existing and proposed buildings.
  - (c) Parking layouts.
  - (d) Proposed grades if significantly altered.
  - (e) Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.
  - (f) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (2) Schematic building plans including elevation and/or sections of major structures.
- (3) Isometrics or perspective and/or model(s) of the proposed development.

The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

- (1) Planning studies. Design or planning studies completed by the Department and submitted to the County Commission that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
- (2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
- (3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
- (4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
- (5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
- (6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
- (7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.
- (8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.
- (9) Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Code of Miami-Dade County.
- (10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
- (11) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
  - (a) *Wall with landscaping.* The wall shall be setback two and one-half (2½) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
    - (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
    - (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately af-

ter planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

- (3) *Vines*. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

- (b) *Metal picket fence*. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

(Ord. No. 74-22, § 1, 4-16-74; Ord. No. 95-19, § 9, 2-7-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-223, § 1, 12-5-95; Ord. No. 96-127, § 14, 9-4-96; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 99-38, § 10, 4-27-99)



**Sec. 33-311. Community Zoning Appeals  
Board—Authority and duties.**

- (3) *Special exceptions, unusual and new uses.* Hear application for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

other applications for zoning action not specified in Subsections (d)(1), (2), and (3), five hundred (500) feet.

Such notice shall also be mailed to the president of any homeowners association having any member who resides within the area of mailed notice described above when such residency is shown upon a current updated notice filed with the director. The Director shall establish and maintain a process by which homeowners associations may provide notice of the areas in which their members reside. Homeowners associations shall keep these notices current by updating them in accordance with procedures to be prescribed by the Director.

(e) The person or persons responsible for providing the notices provided in Subsection (c) above shall attach to the application file a sworn affidavit or affidavits setting forth that they have complied with said subsection. Failure to provide the newspaper notices as provided, or failure to mail the written notices as provided, or failure to post the property as provided renders voidable any hearing held on the application.

(f) The Director shall have the discretion to expand any of the notice provisions contained in this section to provide more information if deemed appropriate.

(g) If the notices described in Subsection (c)(1) above are published, and the affidavits required by Subsections (a) and (d) above are of record, no judicial proceeding to void a hearing shall be commenced after the time for appeal from a resolution of an administrative or quasijudicial tribunal as provided in the Florida Rules of Appellate Procedures.

(Ord. No. 60-14, 4-19-60; Ord. No. 61-30, § 1, 6-27-61; Ord. No. 64-30, § 1, 7-21-64; Ord. No. 64-65, § 3, 12-15-64; Ord. No. 74-20, § 3, 4-3-74; Ord. No. 74-40, § 2, 6-4-74; Ord. No. 75-47, § 4, 6-18-75; Ord. No. 87-29, § 1, 5-19-87; Ord. No. 89-129, § 1, 12-19-89; Ord. No. 94-200, § 1, 11-1-94; Ord. No. 95-26, § 1, 2-7-95; Ord. No. 95-180, § 1, 10-5-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 35, 9-4-96; Ord. No. 98-175, § 1, 12-3-98; Ord. No. 00-31, § 2, 2-24-00)

### **Sec. 33-311. Community Zoning Appeals Board—Authority and duties.**

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

- (1) *Minimum square footage requirements.* Hear and grant or deny applications to increase or decrease the minimum square footage requirements for building in a particular area, provided, it finds that the increase or decrease would be comparable with that required for the area or surrounding area or that established by improvements in the area or surrounding area.

(2) *Appeal of administrative variances and appeals of administrative site plan review.*

(a) Upon application for, hear and decide appeals where it is alleged there is an error in the granting or denial of an administrative site plan review pursuant to the provisions of this Code. Such administrative decisions shall not include appeals filed pursuant to Sections 2-114.1 through 2-114.4.

(b) Pursuant to the provisions of Section 33-36.1 any aggrieved property owner in the area may appeal the decision of the Director to the appropriate Community Zoning Appeals Board within fifteen (15) days after the Director's decision is published in a newspaper of general circulation. An aggrieved applicant must file a new application with the appropriate Miami-Dade County Community Zoning Appeals Board pursuant to the provisions of this chapter and must comply fully with the requirements of Section 33-311 "Variances from Other Than Airport Regulations".

(3) *Special exceptions, unusual and new uses.*

Hear application for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or

public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.

(4) (a) *Use variances from other than airport regulations.* Upon appeal or direct application in specific cases to hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises; and further provided, no variance from any airport zoning regulation shall be granted under this subsection; provided, however, no use variance shall be granted permitting a BU or IU use in any residential, AU or GU District, unless the premises immediately abuts a BU or IU District. A "use variance" is a variance which permits a use of

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Supreme Court of Florida.

Charles DUSSEAU, et al., Petitioners,  
v.

METROPOLITAN DADE COUNTY BOARD OF  
COUNTY COMMISSIONERS, et al., Respondents.

No. SC95217.

May 17, 2001.

Neighbors petitioned for writ of certiorari after county commission approved church's application for **special exception** and unusual use approval allowing church construction project in area zoned for single family estates. The Circuit Court, Dade County, Appellate Division, reversed approval. Church and commission sought writ of certiorari quashing that decision. The District Court of Appeal granted petition, 725 So.2d 1169. On application for review, the Supreme Court, Shaw, J., held that circuit court applied wrong standard in reversing commission's decision.

District Court of Appeals' decision approved in part and quashed in part.

Pariente, J., issued concurring opinion in which Anstead and Lewis, JJ., concurred.

West Headnotes

[1] Zoning and Planning ⚡ 490  
414k490

[1] Zoning and Planning ⚡ 536  
414k536

Once a petitioner seeking a permitted **special exception** meets the initial burden of showing that his application met the statutory criteria for granting such exceptions, the party opposing the application must show by competent substantial evidence that the proposed exception did not meet such standards and was, in fact, adverse to the public interest.

[2] Zoning and Planning ⚡ 537.1  
414k537.1

In order for the agency to deny a permitted **special exception** application, the party opposing the application must show by competent substantial evidence that the proposed exception does not meet

the published criteria.

[3] Zoning and Planning ⚡ 565  
414k565

Once the local agency has ruled on the **special exception** application, a party may seek certiorari review in circuit court, i.e., "first-tier" certiorari review.

[4] Zoning and Planning ⚡ 563.1  
414k563.1

[4] Zoning and Planning ⚡ 709  
414k709

First-tier review of local agency's ruling on **special exception** application is not discretionary but rather is matter of right and is akin in many respects to plenary appeal; court must review record and determine, inter alia, whether agency decision is supported by competent substantial evidence, which is tantamount to legally sufficient evidence.

[5] Zoning and Planning ⚡ 741  
414k741

Once circuit court has reviewed local agency's ruling on **special exception** application, party may seek certiorari review of the circuit court decision in district court, i.e., "second-tier" certiorari review; review at this level is circumscribed and is similar in scope to true common law certiorari review.

[6] Administrative Law and Procedure ⚡ 683  
15Ak683

Where full review of administrative action is given in circuit court as matter of right, one appealing circuit court's judgment is not entitled to second full review in district court: in such circumstances, circuit court must determine (1) whether procedural due process is accorded, (2) whether essential requirements of law have been observed, and (3) whether administrative findings and judgment are supported by competent substantial evidence; district court, upon review of circuit court's judgment, then determines whether circuit court (1) afforded procedural due process and (2) applied correct law. U.S.C.A. Const.Amend. 14.

[7] Administrative Law and Procedure ⚡ 683  
15Ak683

Where full review of administrative action is given in circuit court as matter of right, district court on second-tier certiorari review may not review record to determine whether agency decision is supported by competent substantial evidence.

[8] Zoning and Planning ☞ 709  
414k709

Circuit court applied wrong standard in reversing county commission's approval of church's application for special exception and unusual use approval allowing church construction project in area zoned for single family estates; instead of simply reviewing commission's decision to determine whether it was supported by competent substantial evidence, court also reviewed decision to determine whether it was opposed by competent substantial evidence, and circuit court then substituted its judgment for that of commission as to relative weight of conflicting evidence.

[9] Zoning and Planning ☞ 749  
414k749

While District Court of Appeal correctly determined that circuit court departed from essential requirements of law when it reweighed evidence and completely ignored evidence that supported county commission's approval of church's application for special exception and unusual use approval, District Court erred by reviewing evidence and determining that commission's ruling was supported by competent substantial evidence, as latter ruling usurped first-tier certiorari jurisdiction of circuit court.

\*1272 Jeffrey S. Bass of Shubin & Bass, P.A., Miami, FL, for Petitioners.

Robert A. Ginsburg, Miami Dade County Attorney, and Augusto E. Maxwell, Assistant County Attorney; and Arthur J. England, Jr., and Elliot H. Scherker of Greenberg Traurig, P.A., Miami, FL, for Respondents.

SHAW, J.

We have for review *Metropolitan Dade County v. Dusseau*, 725 So.2d 1169 (Fla. 3d DCA 1998), based on conflict with *Education Development Center, Inc. v. City of West Palm Beach*, 541 So.2d 106 (Fla.1989). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const. We approve in part and quash in part the decision in *Dusseau* as explained herein.

## I. FACTS

University Baptist Church owns 19.7 acres of land in Miami Dade County on which it seeks to build a large new church. The district is zoned for single-family one-acre estates, but churches are a permitted special exception. The project is opposed by Charles Dusseau and other local homeowners, who want just "a simple church." After exhaustive review, the project ultimately was approved by the following local agencies: the Zoning and Planning Department; the Department of Environmental Resources Management; the Public Works Department; the Water and Sewer Authority; the Fire Department; the Metro Dade Transit Agency; the School Board; the Solid Waste Department; the Parks Department; the Public Safety Department; and the Aviation Department. In spite of these approvals, the Zoning Appeals Board denied the application.

The County Commission heard testimony from both sides at a lengthy hearing and approved the project by a nine-to-two vote. The circuit court reversed, by a two-to-one vote. The court issued an eight-page majority opinion assessing the evidence presented by both sides and concluding as follows:

As there was no competent substantial evidence that the church met the criteria for a special exception and there was competent substantial evidence that the church did not meet the code criteria for the grant of a special exception, certiorari is hereby granted and the decision of the Metropolitan Dade County Board \*1273 of County Commissioners is hereby reversed.

*Dusseau v. Board of County Commissioners*, No. 97-115-AP, slip op. at 8 (Fla. 11th Cir.Ct. May 22, 1998).

The district court granted certiorari and quashed the circuit court decision, ruling as follows:

The circuit court's majority opinion correctly states that "[i]n order to sustain the action of the Commission, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the Commission to support its ruling." ... However, in finding that the Commission's ruling was not supported by competent substantial evidence, the circuit court primarily focused on the testimony presented by the neighbors' attorney and their expert witnesses.

We find that the circuit court departed from the essential requirements of law when it reweighed evidence and completely ignored evidence that



supported the Commission's ruling. Further, a review of the evidence clearly demonstrates that the Commission's ruling was supported by competent substantial evidence—the recommendations of the Zoning and Planning Departments, and the testimony of the project architect, an independent real estate appraiser, and a traffic engineer. Accordingly, we grant the petition.

*Dusseau*, 725 So.2d at 1171 (citation omitted). This Court granted review based on conflict with *Education Development Center v. City of West Palm Beach*, 541 So.2d 106 (Fla.1989), wherein the Court set forth the appropriate standards governing certiorari review.

## II. THE APPLICABLE LAW

[1][2] This Court recently addressed this issue in *Florida Power & Light Co. v. City of Dania*, 761 So.2d 1089 (Fla.2000), wherein the Court set forth the applicable law governing an application for a special exception:

This Court in *Irvine v. Duval County Planning Commission*, 495 So.2d 167 (Fla.1986), delineated the allocation of burdens in a special exception proceeding:

[O]nce the petitioner met the initial burden of showing that his application met the statutory criteria for granting such exceptions, "the burden was upon the [opposing party] to *demonstrate*, by *competent substantial evidence* presented at the hearing and made a part of the record, that the [special] exception requested by petitioner did not meet such standards and was, in fact, adverse to the public interest."

*Irvine*, 495 So.2d at 167 (emphasis added). In order for the agency to deny a permitted special exception application, the party opposing the application (i.e., either the agency itself or a third party) must show by competent substantial evidence that the proposed exception does not meet the published criteria.

*Florida Power & Light*, 761 So.2d at 1091-92.

[3][4][5][6] This Court in *Florida Power & Light* further explained that once a local agency has ruled on an application for a special exception, the parties may seek review under the two-tiered certiorari system:

Once the local agency has ruled on the application, the parties may seek review in the court system, twice. First, a party may seek certiorari review in circuit court, i.e., "first-tier" certiorari review. Although termed "certiorari" review, review at this

level is not discretionary but rather is a matter of \*1274 right and is akin in many respects to a plenary appeal. The court must review the record and determine *inter alia* whether the agency decision is supported by competent substantial evidence. Competent substantial evidence is tantamount to legally sufficient evidence. In contrast to the *Irvine* "competent substantial evidence" standard of proof, which the agency must apply at the fact-finding level, this first-tier "competent substantial evidence" standard is a standard of *review*, which the reviewing court must apply. Next, a party may seek certiorari review of the circuit court decision in the district court, i.e., "second-tier" certiorari review. Review at this level is circumscribed and is similar in scope to true common law certiorari review. As a practical matter, the circuit court's final ruling in most first-tier cases is conclusive, for second-tier review is extraordinarily limited.

These two standards of certiorari review were clarified by this Court in *City of Deerfield Beach v. Vaillant*, 419 So.2d 624 (Fla.1982):

We hold that where full review of administrative action is given in the circuit court as a matter of right, one appealing the circuit court's judgment is not entitled to a second full review in the district court. Where a party is entitled as a matter of right to seek review in the circuit court from administrative action, the circuit court must determine [1] whether procedural due process is accorded, [2] whether the essential requirements of the law have been observed, and [3] *whether the administrative findings and judgment are supported by competent substantial evidence*. The district court, upon review of the circuit court's judgment, then determines whether the circuit court [1] afforded procedural due process and [2] applied the correct law.

*Vaillant*, 419 So.2d at 626 (emphasis added).

*Florida Power & Light*, 761 So.2d at 1092.

[7] Although first- and second-tier certiorari review are similar in several respects, they are dissimilar in a key respect:

The Court later compared the two *Vaillant* standards and concluded that they are similar in several respects: The first prongs of both standards (i.e., the due process prongs) are the same, and the second prongs (i.e., the "essential requirements of the law" and "applied the correct law" prongs) also are equivalent. However, the Court noted a key difference: The third prong in the circuit court standard (i.e., the "competent substantial evidence"

prong) is absent from the district court standard. Thus, the district court on second-tier certiorari review may *not* review the record to determine whether the agency decision is supported by competent substantial evidence.

*Florida Power & Light*, 761 So.2d at 1092-93 (footnotes omitted).

### III. THE PRESENT CASE

[8] As noted above, although numerous local agencies recommended approval of the church's application, the Zoning Appeals Board denied the application. The Commission then conducted a lengthy hearing and approved the application. At the circuit court level, the court reviewed the record evidence on both sides and reversed the Commission's decision based on the following rationale: "[T]here was no competent substantial evidence that the church met the criteria for a special exception and there was competent substantial evidence that the church did not meet the \*1275 code criteria for the grant of a special exception." This was error.

Although the circuit court phrased its reversal in terms of "competent substantial evidence," the plain language of its order shows that the court in fact reweighed the evidence, at length. Instead of simply reviewing the Commission's decision to determine whether it was *supported* by competent substantial evidence, the court also reviewed the decision to determine whether it was *opposed* by competent substantial evidence. The circuit court then substituted its judgment for that of the Commission as to the relative weight of the conflicting evidence. The circuit court thus usurped the fact-finding authority of the agency.

[9] At the district court level, the court ruled as follows: "We find that the circuit court departed from the essential requirements of law when it reweighed evidence and completely ignored evidence that supports the Commission's ruling." *Dusseau*, 725 So.2d at 1171. This ruling was proper. The Court in *Florida Power & Light* explained:

Under *Vaillant*, the district court was required to determine whether the circuit court applied the correct law. As noted above, according to the plain language of its order, the circuit court reweighed the evidence and decided anew the merits of the special exception application. The circuit court thus applied the wrong law (i.e., instead of applying the *Vaillant* standard of review, the court

reapplied the *Irvine* standard of proof), and this is tantamount to departing from the essential requirements of law (as the district court ruled). *Florida Power & Light*, 761 So.2d at 1093.

The district court further stated: "[A] review of the evidence clearly demonstrates that the Commission's ruling was supported by competent substantial evidence...." *Dusseau*, 725 So.2d at 1171. This ruling was improper. Again, the Court in *Florida Power & Light* explained:

As explained above, second-tier certiorari review differs from first-tier review in one critical respect: The "competent substantial evidence" component has been eliminated. The district court thus was precluded from assessing the record evidence. Once the district court determined-from the face of the circuit court order-that the circuit court had applied the wrong law, the job of the district court was ended. In proceeding to apply the right first-tier law, i.e., in evaluating the record for competent substantial evidence to support the Commission's decision, the district court usurped the jurisdiction of the circuit court.

*Florida Power & Light*, 761 So.2d at 1093.

### IV. CONCLUSION

As in *Florida Power & Light*, we decline to conduct our own review of the present record to determine whether the Commission's decision is supported by competent substantial evidence, "for to do so would perpetuate the district court's error and usurp the first-tier certiorari jurisdiction of the circuit court." [FN1] Instead, we return this case to the circuit court and direct that court to apply the three-pronged standard of review set forth in *Vaillant*. Notably, when applying the third prong, the court should review the record to determine simply whether the Commission's decision is *supported* by competent substantial evidence.

FN1. See *Florida Power & Light*, 761 So.2d at 1093.

We reiterate that the "competent substantial evidence" standard cannot be used by a reviewing court as a mechanism for \*1276 exerting covert control over the policy determinations and factual findings of the local agency. Rather, this standard requires the reviewing court to defer to the agency's superior technical expertise and special vantage point in such matters. The issue before the court is not whether the agency's decision is the "best" decision or the "right" decision or even a "wise" decision, for

these are technical and policy-based determinations properly within the purview of the agency. The circuit court has no training or experience--and is inherently unsuited--to sit as a roving "super agency" with plenary oversight in such matters.

The sole issue before the court on first-tier certiorari review is whether the agency's decision is lawful. The court's task vis-a-vis the third prong of *Vaillant* is simple: The court must review the record to assess the evidentiary support for the agency's decision. Evidence contrary to the agency's decision is outside the scope of the inquiry at this point, for the reviewing court above all cannot reweigh the "pros and cons" of conflicting evidence. While contrary evidence may be relevant to the wisdom of the decision, it is irrelevant to the lawfulness of the decision. As long as the record contains competent substantial evidence to support the agency's decision, the decision is presumed lawful and the court's job is ended.

Based on the foregoing, we approve in part and quash in part *Board of County Commissioners v. Dusseau*, 725 So.2d 1169 (Fla. 3d DCA 1998), as explained herein.

It is so ordered.

WELLS, C.J., and HARDING, ANSTEAD, LEWIS, and QUINCE, JJ., concur.

PARIENTE, J., concurs with an opinion, in which ANSTEAD and LEWIS, JJ., concur.

PARIENTE, J., concurring.

The majority focuses on the standards of appellate review of a zoning decision regarding a special exception, relying on our previous decision in *Florida Power & Light Co. v. City of Dania*, 761 So.2d 1089 (Fla.2000). See majority op. at 1273-74. I write to make several observations about the nature of that appellate review, given that we begin with the premise that the reviewing court should give deference to the "agency's superior technical expertise and special vantage point." *Id.* at 1276.

The majority explains that the role of the circuit court, as the first-tier reviewing body, is to "review the record to assess the evidentiary support for the agency's decision." *Id.* I have no difficulty with the notion that the circuit court as a reviewing body

should defer to the agency's superior expertise and vantage point. However, I share Judge Zehmer's observations in *Irvine v. Duval County Planning Commission*, 466 So.2d 357, 366 (Fla. 1st DCA 1985) (Zehmer, J., dissenting), as to the commensurate obligations of the agency to make written findings of fact and the reason for those obligations:

To meet due process requirements, it is necessary that the agency set out detailed facts found from the evidence so that a court authorized to review the matter on certiorari can first determine whether or not the facts found by the agency constitute lawful grounds for its action and, then, determine whether the evidence supports the finding--"Without [detailed findings], the reviewing court would be compelled to grope in the dark and to resort to guess-work as to what facts the Board had found to be true and what facts alleged were not found to be \*1277 true." *Laney v. Holbrook*, 150 Fla. 622, 8 So.2d [465,] 468 [ (Fla.1942) ]; *Hickey v. Wells*, 91 So.2d [206,] 210 [ (Fla.1957) ]; *Powell v. Board of Public Instruction of Levy County*, 229 So.2d [308,] 311- 312 [ (Fla. 1st DCA 1970) ]. It is not sufficient that the cited findings merely be general conclusions in the language of the statute or ordinance because such conclusions provide no way for the court to know on judicial review whether the conclusions have sufficient foundation in findings of fact. *E.g.*, *City of Apopka v. Orange County*, 299 So.2d 657 (Fla. 4th DCA 1974); *McCulley Ford, Inc. v. Calvin*, 308 So.2d 189 [(Fla. 1st DCA 1974)]; *Lynch-Davidson Motors, Inc. v. Calvin*, 308 So.2d 197 (Fla. 1st DCA 1975); *Bill Kelley Chevrolet, Inc. v. Calvin*, 308 So.2d 199 (Fla. 1st DCA 1974). Furthermore, requiring detailed findings of fact is manifestly helpful in assuring that administrative decisions are not the result of improper considerations.

The foregoing essential requirements of due process are now specifically required by chapter 120 and other provisions of Florida Statutes applicable in administrative proceedings.... Even though no statutory or ordinance provision specifically directed the Planning Commission to comply with these well-established rules of administrative law, these rules have their origin in constitutional due process concepts and set the minimum requirements of law applicable to the commission's action in this case. Its failure to apply and faithfully adhere to these administrative principles constituted a departure from the essential requirements of law.

This Court subsequently adopted Judge Zehmer's dissenting opinion concerning the allocations of



burdens in a special exception zoning case, but the Court did not discuss Judge Zehmer's observations concerning the necessity of written findings. See *Irvine v. Duval County Planning Comm'n*, 495 So.2d 167 (Fla.1986).

In this case, although the Commission provided a written resolution reversing the Zoning Appeals Board, the resolution contained no written factual findings. Although the lack of written findings is not fatal to appellate review based on this Court's current precedent, written findings would greatly assist the reviewing court in performing its more limited appellate role. Further, if the reviewing court was able to ascertain how the agency arrived at its decision, it would avoid any temptation on the part of the reviewing court to reweigh the evidence. If the agency's factual findings were legally sufficient to support a given decision and were supported by competent substantial evidence in the record, there would be no necessity for the reviewing court to explore the record to attempt to find what facts do support the agency's decision.

In this case, I would further point out that the circuit court sat in a three- judge panel that produced a reasoned and detailed majority and dissent. This in turn facilitated the more limited second-tier review of the Third District as well as this Court's review of the Third District's decision. We previously have noted the disparity of the practices among circuits and referred this matter to the Rules of Judicial Administration Committee for study. See *Florida Power & Light*, 761 So.2d at 1094. In light of the far-reaching impact of zoning decisions, we should not continue to sanction a statewide system that allows a single circuit judge to have the identical appellate reviewing authority as a three-judge panel and that also requires the district court of appeal to accord the identical deference to the circuit court's decision regardless of whether the decision \*1278 was made by a one- judge or three-judge court.

ANSTEAD and LEWIS, JJ., concur.

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H

Supreme Court of Florida.

Stephen B. IRVINE, Petitioner,  
v.

DUVAL COUNTY PLANNING COMMISSION, et  
al., Respondents.

No. 67092.

Oct. 2, 1986.

Petition for writ of certiorari was brought to review Circuit Court order denying certiorari and thereby refusing to order planning commission to grant zoning exception to petitioner to operate business including sale of beer and wine for consumption on premises. The District Court of Appeal, 466 So.2d 357, Smith, J., denied the petition. On application for review due to direct conflict of decisions, the Supreme Court, Shaw, J., held that county planning commission failed to carry its burden of demonstrating, by competent substantial evidence presented at hearing and made part of record, that special exception requested did not meet standards and was in fact adverse to public interest.

Decision quashed; remanded.

West Headnotes

Zoning and Planning ☞ 539  
414k539

County planning commission failed to carry its burden to demonstrate, by competent substantial evidence presented at hearing and made part of record, that special exception to operate business including sale of beer and wine for consumption on premises did not meet standards and was in fact adverse to public interest.

\*167 Barry A. Bobek of Barry A. Bobek, P.A. and Stephen A. Hould of Flowers, Hould, Jensen & Westling, Jacksonville, for petitioner.

Gerald A. Schneider, Gen. Counsel and Robert G. Alexander, Asst. Counsel, Jacksonville, for respondents.

SHAW, Justice.

We review *Irvine v. Duval County Planning Commission*, 466 So.2d 357 (Fla. 1st DCA 1985), because of direct and express conflict with *Rural New Town, Inc. v. Palm Beach County*, 315 So.2d 478 (Fla. 4th DCA 1975). Art. V, § 3(b)(3), Fla.Const.

The facts and issues of law are comprehensively set forth in the majority and dissenting opinions below. On the facts and circumstances of the case, we agree with Judge Zehmer (dissenting) that once the petitioner met the initial burden of showing that his application met the statutory criteria for granting such exceptions, "the burden was upon the Planning Commission to demonstrate, by competent substantial evidence presented at the hearing and made a part of the record, that the [special] exception requested by petitioner did not meet such standards and was, in fact, adverse to the public interest." *Irvine*, 466 So.2d at 364. In our view, the Planning Commission failed to carry its burden. We quash the decision below and remand for further proceedings consistent with this opinion.

It is so ordered.

McDONALD, C.J., and ADKINS, BOYD,  
OVERTON, EHRLICH and BARKETT, JJ., concur.

END OF DOCUMENT

District Court of Appeal of Florida,  
First District.

Stephen B. IRVINE, Petitioner,  
v.  
DUVAL COUNTY PLANNING COMMISSION and  
the City of Jacksonville, Respondents.

No. AX-455.

Nov. 26, 1986.

Petition for writ of certiorari was brought to review Circuit Court order denying certiorari and thereby refusing to order city planning commission to grant zoning exception to petitioner to operate business, including sale of beer and wine for consumption on premises. The District Court of Appeal, 466 So.2d 357, denied petition. On application for review due to direct conflict of decisions, the Supreme Court, 495 So.2d 167, quashed decision and remanded. On remand, the District Court of Appeal, for reasons stated in dissenting opinion of Zehmer, J., 466 So.2d 357, held that planning commission was required to hear de novo application for zoning exception, as commission failed to make adequate record for purposes of judicial review, commission's decision was improperly based on matters not of record without affording petitioner opportunity to respond to such matters, record did not set forth any detailed findings of fact to support conclusions recited as grounds for denying exception, and order showed on its face that it was not predicated on ordinance criteria.

Order quashed, remanded.

West Headnotes

[1] Zoning and Planning ⚡536  
414k536

Petitioner has burden before planning commission of showing that his application to obtain permissible use by exception meets requirements of statutory criteria for granting such exceptions. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[2] Zoning and Planning ⚡536  
414k536

Once petitioner for application to obtain permissible

use by exception has demonstrated that his application meets statutory criteria for granting such exceptions, planning commission has burden to demonstrate by competent, substantial evidence presented at hearing and made part of record that exception requested by petitioner does not meet such standards and is adverse to public interest. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[3] Zoning and Planning ⚡481  
414k481

"Special exception" is valid zoning mechanism that delegates to administrative board limited authority to permit enumerated uses that legislature has determined can be allowed, properly albeit prima facie, absent any fact or circumstance negating presumption. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[4] Zoning and Planning ⚡490  
414k490

Applicant for special exception must show that requested exception can be granted without substantial detriment to public good and that it will not substantially impair intent and purpose of zoning plan and ordinance. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[5] Zoning and Planning ⚡536  
414k536

Since exception bears legislative sanction, burden of applicant is much lighter than it would be if he sought use variance. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[6] Zoning and Planning ⚡539  
414k539

Applicant made prima facie case for granting exception where he personally testified at hearing as to nature of business he planned to operate at location, there was bar and sandwich shop at that location for 40 years, planning department recommended that proposed use at that location be approved because it would be compatible with existing land use pattern in area, and at least four prior applications for similar zoning exceptions had been granted in preceding ten years. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[7] Zoning and Planning ☞511  
414k511

When zoning regulations expressly contemplate sale of beer and wine, whether for consumption on or off premises, as permissible use, that fact alone cannot be treated by planning commission as contrary to public interest in considering application for zoning exception. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[8] Zoning and Planning ☞544  
414k544

Failure of planning commission to set out findings of fact in support of its denial of application to obtain permissible use by exception was departure from essential requirements of law. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[9] Zoning and Planning ☞545  
414k545

Burden is not on applicant for permissible use by exception to make record of public proceedings before planning commission. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[10] Constitutional Law ☞278.2(2)  
92k278.2(2)

Due process requires that applicant for use variance be informed of facts upon which planning commission bases its conclusion that proposed use would not be compatible with other uses existing in district and that proposed use failed to promote public interest, morals, and welfare. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.) U.S.C.A. Const.Amend. 14.

[11] Zoning and Planning ☞544  
414k544

[11] Zoning and Planning ☞625  
414k625

In determining whether to grant exception, planning commission is required to base its decision on specific standards and criteria set forth in zoning regulations, and it is reversible error to base decision on other grounds. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

[12] Zoning and Planning ☞728

414k728

Planning commission was required to hear de novo application for zoning exception where commission failed to make adequate record of public proceedings before commission, commission's decision was improperly based on matters not of record without affording petitioner opportunity to respond to such matters, record did not set forth any detailed findings of fact to support conclusions recited as grounds for denying exception, and order showed on its face that it was not predicated on ordinance criteria. (Per dissenting opinion of Zehmer, J., at 466 So.2d 357.)

\*1266 Barry A. Bobek and Stephen A. Hould, Jacksonville, for petitioner.

Thomas E. Crowder, Jacksonville, for respondents.

ON REMAND

PER CURIAM.

The judgment and decision of this court filed March 12, 1985, and reported at 466 So.2d 357, wherein the petition for writ of certiorari filed by petitioner, Stephen B. Irvine, was denied, has been reviewed by the Supreme Court of Florida by discretionary review proceedings. The decision of that court, filed October 2, 1986, and reported \*1267 at 495 So.2d 167, quashed this court's decision and remanded this case for further proceedings. The mandate of the Supreme Court has now been filed with this court.

[1][2][3][4][5][6][7][8][9][10][11][12] Upon consideration of the mandate, it is ordered that the judgment and opinion of this court filed March 12, 1985, is hereby set aside and held for naught, and the opinion and judgment of the Supreme Court, filed October 2, 1986, and the dissenting opinion of Judge Zehmer, reported at 466 So.2d 362, is adopted as this court's opinion and judgment. We grant the petition for writ of certiorari, quash the order of the Circuit Court of Duval County denying petitioner relief, and remand to that court with directions to quash the order of the Duval County Planning Commission denying petitioner's application for a zoning exception and to order said commission to hold a hearing de novo on the petitioner's application, or to grant the requested special zoning exception in accordance with the opinion and mandate of this court.

SMITH, JOANOS and ZEHMER, JJ., concur.

794 So.2d 1270  
(Cite as: 794 So.2d 1270)  
**H**

Supreme Court of Florida.

Charles DUSSEAU, et al., Petitioners,  
v.  
METROPOLITAN DADE COUNTY BOARD OF  
COUNTY COMMISSIONERS, et al., Respondents.

No. SC95217.

May 17, 2001.

## II. THE APPLICABLE LAW

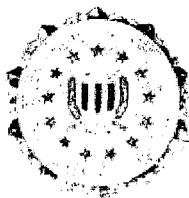
[1][2] This Court recently addressed this issue in *Florida Power & Light Co. v. City of Dania*, 761 So.2d 1089 (Fla.2000), wherein the Court set forth the applicable law governing an application for a special exception:

This Court in *Irvine v. Duval County Planning Commission*, 495 So.2d 167 (Fla.1986), delineated the allocation of burdens in a special exception proceeding:

[O]nce the petitioner met the initial burden of showing that his application met the statutory criteria for granting such exceptions, "the burden was upon the [opposing party] to *demonstrate*, by *competent substantial evidence* presented at the hearing and made a part of the record, that the [special] exception requested by petitioner did not meet such standards and was, in fact, adverse to the public interest."

*Irvine*, 495 So.2d at 167 (emphasis added). In order for the agency to deny a permitted special exception application, the party opposing the application (i.e., either the agency itself or a third party) must show by competent substantial evidence that the proposed exception does not meet the published criteria.

*Florida Power & Light*, 761 So.2d at 1091-92.



## U.S. Department of Justice Federal Bureau of Investigation

**For Release  
MONDAY, DECEMBER 17, 2001  
9 A.M. EASTERN TIME**

**FBI NATIONAL PRESS 202-324-  
3691**

### Table

The Federal Bureau of Investigation today released figures collected by the Uniform Crime Reporting Program indicating that the Nation's Crime Index fell 0.3 percent during the first 6 months of 2001 when compared to January-June 2000 data.

The Crime Index is comprised of violent and property crimes. Overall, violent crimes, which include murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, declined 1.3 percent for January through June 2001 when compared to the data reported for the corresponding months in 2000. Property crimes, which include burglary, larceny-theft, and motor vehicle theft, fell 0.2 percent when compared to the data reported for January through June 2000. Arson offenses, which are part of a Modified Crime Index, increased 2.9 percent for the first 6 months of 2001 when compared to the figures reported for the same time period in 2000.

Comparing data reported in the first six months of 2001 to those reported for the same period in 2000, the offenses of murder and robbery both showed increases-0.8 percent for robbery and 0.3 percent for murder. However, the volume of forcible rapes and aggravated assaults reported to law enforcement declined by 1.7 and 2.4 percent, respectively. The volume of property crimes varied with burglary declining 1.2 percent, larceny-theft decreasing 0.4 percent, and motor vehicle theft increasing 2.6 percent.

By city population groupings, cities with populations of 50,000 to 99,999 inhabitants recorded the biggest decline in the volume of Index crimes at 1.7 percent. The largest increase in Index offenses occurred in cities of 250,000 to 499,999 population with a rise of 1.9 percent. Rural and suburban counties registered 1.9-percent and 0.6-percent decreases, respectively.

By region, Index crime fell 4.1 percent in the Northeast and 1.9 percent in the Midwest. The West recorded an increase of 1.6 percent and the South, an increase of 0.8 percent.

This report is based upon the reports of agencies that submitted 3-6 compatible months of data from January through June in both 2000 and 2001.

The complete preliminary semiannual Uniform Crime Report is available on the FBI's Internet site at <http://www.fbi.gov>.



## U.S. Department of Justice Federal Bureau of Investigation

**For Immediate Release  
October 22, 2001  
9 A. M. Eastern Time**

**Washington D.C.  
FBI National Press Office**

### *Crime in the United States, 2000*

The Federal Bureau of Investigation announced today that there was virtually no change in the Crime Index in 2000 compared to the 1999 figures. The Crime Index (composed of murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft) decreased 0.2 percent in 2000, the smallest year-to-year decrease in volume since 1991. Final 2000 data released by the Uniform Crime Reporting (UCR) Program in the annual publication *Crime in the United States, 2000*, show that serious crime was 14.0 percent lower than in 1996 and 22.0 percent less than in 1991.

Both violent and property crime experienced marginal declines in volume when compared to the 1999 volume.

Collectively, violent crime (murder, forcible rape, robbery, and aggravated assault) decreased 0.1 percent from 1999 to 2000. Decreases in violent crime occurred for robbery, 0.4 percent, and for aggravated assault, 0.1 percent. Murder declined by less than one-tenth of 1 percent. Forcible rape increased 0.9 percent, the first volume increase for that offense since 1992.

Overall, property crime in 2000 (burglary, larceny-theft, and motor vehicle theft) decreased 0.3 percent when compared to the 1999 data. Increases in larceny-theft, 0.2 percent, and motor vehicle theft, 1.2 percent, were offset by a 2.4-percent decline in volume for burglary.

By community type, Index crime decreased 1.8 percent in the Nation's suburban counties and 0.1 percent in the Nation's cities collectively. Rural counties experienced a 0.5-percent increase in Index crime, which can be attributed to increases in robbery, larceny-thefts, and motor vehicle thefts from 1999 to 2000.

An estimated 11.6 million offenses were reported to law enforcement agencies across the Nation in 2000, an average of 4,124.0 crimes for every 100,000 inhabitants. This rate is 3.3 percent less than the 1999 rate, 18.9 percent less than the 1996 rate, and 30.1 percent less than the crime rate recorded in 1991.

*Crime in the United States, 2000* is compiled from data provided to the FBI's UCR Program by approximately 17,000 law enforcement agencies representing nearly 254 million United States inhabitants, 94 percent of the Nation's population as established by the Bureau of the Census. Estimates are included for nonreporting areas.

### **Crime Volume**

- The Crime Index total, the measure of serious crime volume, decreased 0.2 percent from reported 1999 data.

- From 1999 to 2000, violent crime declined 0.1 percent. The following decreases in volume were recorded: robbery, 0.4 percent; aggravated assault, 0.1 percent; and murder, less than one-tenth of 1 percent. Forcible rape, which had been in decline since 1992, increased 0.9 percent. Among the Nation's counties, forcible rape volumes decreased 0.9 percent in suburban counties and 0.1 percent in rural counties from 1999 to 2000; however, during this 2-year period, the Nation's cities collectively experienced a 1.5-percent increase in volume for forcible rape.
- Three of the Nation's 4 geographic regions experienced decreases in estimated crime volumes. With 35.6 percent of the country's population, the Southern region accounted for 41.0 percent of the estimated crime for 2000. Crime in the South declined 0.1 percent from 1999 to 2000. The Midwestern region, with 22.9 percent of the U.S. population and 21.9 percent of the Nation's estimated crime, had a decline of 0.6 percent in Index crime. The Northeastern region, comprising 19.0 percent of the country's population and 14.2 percent of the country's crime, experienced a 2.0-percent decline in Index crime. The Western region, which makes up 22.5 percent of the Nation's population, accounted for 23.0 percent of the total estimated crime and had the only regional increase in the number of offenses, 1.0 percent. Collectively, the states which make up the Western region experienced increases in crime volume for motor vehicle theft, 7.1 percent; forcible rape, 3.5 percent; robbery and aggravated assault, both increasing 0.9 percent; and larceny-theft, which increased 0.2 percent in volume.

### **Crime Index Rate**

- The 2000 Crime Index rate, which measures the average number of the 7 Index offenses per 100,000 inhabitants in the United States, decreased 3.3 percent from the 1999 rate. The Crime Index rate for 2000 was 4,124.0 Index offenses per 100,000 population, 18.9 percent lower than in 1996 and 30.1 percent less than in 1991.
- In 2000, the Nation's cities collectively had a crime rate of 5,071.0 Index offenses for every 100,000 inhabitants. The country's largest cities, those with populations of 250,000 or more inhabitants, were measured at 6,382.1 Crime Index offenses per 100,000 population. The Nation's smallest cities, those having populations of less than 25,000 inhabitants, collectively experienced a Crime Index rate of 3,923.1 Index offenses per 100,000 inhabitants. In 2000, suburban counties had a rate of 3,043.7 Index offenses per 100,000 population and rural counties, a rate of 1,928.1.
- By region, the Southern States had a Crime Index rate of 4,743.4 Index offenses per 100,000 population for 2000, a decrease of 3.9 percent from the 1999 rate. The Western States recorded 4,222.4 Index crimes per 100,000 inhabitants, a decline of 2.3 percent from the previous year's rate. The Midwestern States experienced a Crime Index rate of 3,945.0 Index offenses per 100,000 inhabitants, down 2.4 percent from the 1999 rate. The Northeastern States, with a rate of 3,064.3 Index offenses per 100,000 population, showed a 5.2-percent decrease from 1999 to 2000.

### **Violent Crime**

- The year 2000 marked the lowest volume of violent crimes (murder, forcible rape, robbery, and aggravated assault) since 1985. Violent crime decreased 0.1 percent from the 1999 volume. The estimated 1.4 million violent crimes in 2000 were also down 15.6 percent from the 1996 estimate and 25.5 percent from the 1991 estimate.
- The violent crime rate for 2000 was computed at 506.1 offenses for every



100,000 in population. The 2000 violent crime rate decreased 3.2 percent from the 1999 rate, 20.5 percent from the 1996 rate, and 33.2 percent from the 1991 rate.

- Aggravated assault accounted for 63.9 percent of the total violent crimes in 2000. Robbery made up 28.6 percent of the total violent crime, forcible rape comprised 6.3 percent, and murder 1.1 percent.
- The robbery volume in 2000 declined 0.4 percent from the 1999 volume. And when compared to the 1999 volume, the volume of aggravated assaults decreased by 0.1 percent in 2000. The murder volume between 1999 and 2000 showed virtually no change, decreasing by less than one-tenth of 1 percent. Forcible rape was the only violent crime that had an increase in volume over the 2-year period, showing a 0.9-percent rise.
- Firearms were used in 25.6 percent of the total murders, robberies, and aggravated assaults collectively during 2000. Personal weapons (hands, fists, feet, etc.) were involved in 31.5 percent of these crimes, and knives or cutting instruments were employed in another 15.0 percent. Other dangerous weapons were used in 27.9 percent of the offenses.

### Property Crime

- Property crimes (burglary, larceny-theft, and motor vehicle theft) were collectively estimated at 10.2 million offenses for 2000, a decrease of 0.3 percent from the 1999 estimate. The 2000 property crime offense total was 13.8 percent less than in 1996 and 21.4 percent lower than in 1991.
- In 2000, the estimated number of motor vehicle theft offenses and larceny-theft offenses increased 1.2 and 0.2 percent, respectively. These volume increases for motor vehicle theft and larceny-theft were offset by a 2.4-percent decline in the number of burglaries reported to law enforcement for 2000 and allowed for a cumulative decrease of 0.3 percent for property crimes in 2000.
- The Nation's property crime rate for 2000 was 3,617.9 offenses for every 100,000 inhabitants. The property crime rate was 3.4 percent less than the 1999 rate, 18.7 percent below the 1996 rate, and 29.6 percent less than the 1991 rate.
- Total dollar losses for property crime are estimated to be more than \$15.9 billion. The average dollar loss connected with property crime offenses was \$1,562.
- Limited arson data showed an average of \$11,042 in property losses per incident reported.

### Hate Crime

- There was a total of 8,152 hate crime incidents reported to law enforcement in 2000. These incidents involved 9,524 distinct offenses.
- Among the 8,144 single-bias incidents in 2000, racially motivated bias made up the largest number of offenses reported, 5,206. Religious bias was the motivation for 1,568 of the single-bias offenses. Offenses committed with a bias against a sexual orientation accounted for 1,517 offenses, bias against ethnicity or national origin led to 1,180 offenses, and disability was the bias motivation for 36 offenses. There were an additional 17 offenses that occurred during 8 incidents involving multiple biases.
- In 2000, for the 8,152 bias incidents reported, the identity of 7,642 offenders are known.
- The most common hate crime offense in 2000 was intimidation with 3,294 bias-motivated offenses. The destruction/damage/vandalism of property

accounted for 2,766 offenses; simple assault, 1,616 offenses; and aggravated assault, 1,274 offenses.

- Hate crime data for 2000 was provided by 11,691 law enforcement agencies representing nearly 237 million or 84.2 percent of the Nation's population.

### **Index Crime Clearances**

- Law enforcement agencies nationwide reported a 20.5-percent Crime Index offense clearance rate for 2000. The clearance rate for violent crimes was 47.5 percent; property crimes had a clearance rate of 16.7 percent.
- Among violent crimes, the offense of murder had a clearance rate of 63.1 percent and was the most frequently cleared offense in 2000. The aggravated assault clearance rate was 56.9 percent; 46.9 percent of forcible rapes and 25.7 percent of robberies were also cleared.
- For property crimes, 18.2 percent of larceny-thefts were cleared in 2000. Motor vehicle theft was cleared at a rate of 14.1 percent; burglary, the offense least often cleared, had a clearance rate of 13.4 percent.
- Arson had a clearance rate of 16.0 percent in 2000.
- In 2000, Index offenses involving only juvenile offenders (under 18 years of age) accounted for 19.3 percent of the overall Crime Index offenses cleared. Additionally, juveniles were held accountable for 12.2 percent of all violent crimes cleared and 22.1 percent of the total property crimes cleared. Murder had the least juvenile involvement with 5.3 percent of the offenses cleared. Juveniles, however, were most often involved in the crime of arson, representing 45.9 percent of the total arson offenses cleared.

### **Arrests**

- In 2000, law enforcement agencies made an estimated 14 million arrests for all criminal infractions (excluding traffic violations). Drug abuse violations, with an estimated 1.6 million arrests, were the most frequent cause for arrest, continuing a 6-year trend. Among specific crime classifications, some of the highest arrest counts in 2000 were for driving under the influence, accounting for an estimated 1.5 million arrests; simple assaults, 1.3 million arrests; and larceny-thefts, 1.2 million arrests.
- Relating the number of arrests in 2000 to the Nation's population, there were 5,010.4 arrests for every 100,000 inhabitants. Collectively, the country's cities had a rate of 5,418.1 arrests for every 100,000 city inhabitants. Cities with populations of under 10,000 inhabitants had the highest arrest rate, 6,460.1 per 100,000 population. The arrest rate for rural county law enforcement agencies was 4,027.1 and for suburban county law enforcement, 4,021.5 arrests per 100,000 county inhabitants.
- The number of total arrests for the Nation decreased 2.2 percent from 1999 to 2000. Arrests for the Crime Index offenses declined 3.7 percent as violent crime arrests decreased 1.4 percent and property crime arrests decreased 4.6 percent.
- Total juvenile arrests declined 4.8 percent from 1999 to 2000, and adult arrests fell by 1.7 percent. For the Crime Index offenses, juvenile arrests decreased by 5.1 percent. The number of adult arrests for Index crimes was also down, showing a 3.1-percent decrease. Juvenile arrests for violent and property crimes declined 4.4 and 5.3 percent, respectively. Adult arrests also showed a downward trend, declining 0.8 percent for violent crimes and 4.2 percent for property crimes.
- Among persons arrested for Index offenses in 2000, 55.1 percent were under the age of 25. This age group accounted for 44.4 percent of the violent crime

arrests and 59.2 percent of the property crime arrests. Juveniles made up 27.5 percent of those arrested for Index crime, 15.9 percent of those arrested for violent crime, and 32.0 percent of those arrested for property crime.

- Males comprised 77.8 percent of the total arrestees in 2000. Males also accounted for 82.6 percent of the violent crime arrestees and 70.1 percent of property crime arrestees.
- In 2000, whites accounted for 69.7 percent of the total arrestees, 59.9 percent of the violent crime arrestees, and 66.2 percent of the property crime arrestees.

### **Murder**

- There were an estimated 15,517 murders in 2000, virtually no change from the 1999 murder estimate of 15,522. The number of murders was 21 percent less than in 1996 and 37.2 percent less than in 1991.
- Murder trends for the Nation's cities collectively indicated murder increased by 0.7 percent from 1999 to 2000. Murder declined 3.8 percent in the suburban counties and 3.5 percent in rural counties.
- Based on supplemental murder data provided for 12,943 of the estimated 15,517 murders in 2000, males comprised 76.2 percent of the murder victims. By race, 49.0 percent of the victims were white, 48.5 percent were black, and other races accounted for 2.5 percent of the victims. Adults, persons aged 18 or older, made up 89.7 percent of the murder victims.
- Supplemental data for 14,697 murder offenders indicate that 90.2 percent of the offenders were male and 91.3 percent of the murder offenders were aged 18 or older. By race, 51.4 percent were black, 46.1 percent were white, and 2.6 percent of the offenders were of other races.
- Data continue to indicate that murder is most often intraracial. In 2000, 93.7 percent of black murder victims were slain by black offenders and 86.2 percent of white murder victims were slain by white offenders.
- In 2000, relationship data between victims and their offenders indicated that 44.3 percent of the victims were acquainted with or related to their assailants. Familial relationships existed between 13.4 percent of the victims and their murderers; acquaintances murdered 30.9 percent of the victims.
- Husbands or boyfriends murdered 33.0 percent of the female victims, and wives or girlfriends killed 3.2 percent of male victims during 2000.
- During 2000, arguments were the predominant circumstance leading to murder. According to supplemental data, 29.4 percent of murders resulted from an argument. Felonious activities such as forcible rape, robbery, arson, etc., precipitated 16.7 percent of the murders, and 0.5 percent of the murders were suspected of having felonious intent.
- Firearms were used in 65.6 percent of the murders in 2000. By firearm type, handguns accounted for 51.7 percent of the murder total; shotguns, 3.6 percent; rifles, 3.1 percent; and other or unknown types of firearms another 7.3 percent.

### **Forcible Rape**

- An estimated 90,186 forcible rapes of females were reported by law enforcement agencies during 2000, an increase of 0.9 percent from the 1999 rate, and the first increase for female forcible rape since 1992. By volume, forcible rape in 2000 was 6.3 percent less than in 1996 and 15.4 percent lower than in 1991.

- Collectively, the Nation's cities experienced a 1.5-percent increase in forcible rape volumes; suburban counties had a decrease of 0.9 percent, and rural counties a 0.1 percent decrease.
- In 2000, an estimated 62.7 of every 100,000 females in the country were victims of forcible rape. By community type, cities outside of metropolitan areas had the highest rate of female forcible rape, 69.0 for every 100,000 females. Metropolitan Statistical Areas had a rate of 65.0 female rapes per 100,000 females, and rural counties recorded a rate of 43.4 forcible rapes for every 100,000 females.
- Law enforcement cleared 46.9 percent of reported female forcible rapes during 2000. Juveniles were involved in 12.1 percent of the total law enforcement clearances for forcible rape nationwide.

### **Robbery**

- The estimated number of robberies decreased 0.4 percent from 1999 to 2000. Additionally, robbery offenses declined 23.9 percent from the 1996 estimate and 40.7 percent from the 1991 estimate.
- In 2000, the monetary value attributed to property stolen during robbery was estimated at over \$477 million. The average dollar loss per robbery offense was \$1,170.
- Robberies on streets and highways comprised 46.0 percent of all robberies. Robberies of financial establishments and commercial businesses accounted for 25.3 percent of robberies, and residential robberies made up 12.2 percent of all robberies.
- Firearms were used in 40.9 percent of robberies during 2000. Strong-arm tactics were used in 40.4 percent of robberies, knives or cutting instruments were the weapon used in 8.4 percent of robberies, and other types of weapons were used in 10.3 percent of robberies.

### **Aggravated Assault**

- The estimated 910,744 aggravated assault offenses in 2000 represented a slight decline, 0.1 percent, from the 1999 figure. This is the lowest estimated volume since 1989. The estimated number of aggravated assaults was 12.2 percent lower than the 1996 figure and 16.7 percent lower than the 1991 number.
- By community type, the number of aggravated assaults declined 3.7 percent in rural counties and increased 0.2 percent in the Nation's cities collectively and 0.2 percent in suburban counties.
- Aggravated assault accounted for 63.9 percent of the violent crimes in 2000.
- Nationally, there was an average offense rate of 323.6 aggravated assaults for every 100,000 inhabitants during 2000, a decrease of 3.2 percent from the 1999 rate. The country's cities, collectively, had a rate of 395.2 per 100,000 inhabitants, suburban counties averaged 262.1 aggravated assaults per 100,000, and rural counties, a rate of 171.1 offenses per 100,000 populace.
- In 2000, 35.9 percent of aggravated assaults were committed with blunt objects or other dangerous weapons. Personal weapons (hands, fists, feet, etc.) were used in 28.0 percent of the assaults; firearms, in 18.1 percent; and knives or cutting instruments, in 18.0 percent.

### **Burglary**

- The estimated number of burglary offenses in 2000 declined 2.4 percent from the previous year's figure. The estimated 2,049,946 offenses are the lowest measure since 1969. National 5- and 10-year trends indicated that burglary declined 18.2 percent from the 1996 figure and decreased 35.1 percent from the 1991 estimate.
- In 2000, an estimated dollar value of nearly \$3 billion was attributed to property losses from burglary. The average dollar loss per burglary was \$1,462. For residential offenses, the average loss was \$1,381 and for nonresidential burglaries, \$1,615.
- In 2000, 65.1 percent of burglaries were residential in nature. Burglaries of residences occurred most frequently during daytime hours, 60.7 percent, and burglaries of nonresidences occurred most often at night, 57.7 percent.

### **Larceny-theft**

- Nearly 7 million larceny-theft offenses are estimated to have been reported to law enforcement agencies during 2000, an increase of 0.2 percent from the 1999 estimate. Larceny-theft comprised 68.4 percent of all the property crimes.
- Thefts of motor vehicle parts, accessories, and contents accounted for the largest segment of larceny-thefts, 34.9 percent. Shoplifting made up 13.8 percent of the larceny-thefts and thefts from buildings, 13.1 percent. The remainder of larceny-thefts was attributable to other types of larceny-theft (pocket-picking, purse-snatching, bicycle thefts, etc.)
- In 2000, the average value of property stolen as a result of larceny-theft was \$735. The estimated collective value of all property stolen during larceny-thefts was over \$5.1 billion. Losses over \$200 accounted for 38.9 percent of reported larceny-thefts, losses under \$50 comprised 37.7 percent, and those between \$50 and \$200, made up 23.4 percent of the offenses.

### **Motor Vehicle Theft**

- Nearly 1.2 million motor vehicle thefts are estimated to have occurred in 2000, a 1.2-percent increase from the 1999 estimate and the first such increase since 1990. Collectively, the Nation's cities had a 1.4-percent increase in motor vehicle thefts. Motor vehicle theft also increased 2.9 percent in the country's suburban counties and 1.6 percent in the rural counties.
- During 2000, the value of stolen vehicles was estimated at close to \$7.8 billion. The average value of a stolen motor vehicle was \$6,682. The recovery rate of stolen motor vehicles, 62.2 percent, was higher than for any other property type.
- Automobiles comprised 74.5 percent of all motor vehicle theft offenses, trucks and buses accounted for 18.7 percent of the vehicle thefts, and the remainder included other type vehicles.

### **Arson**

- More than 78,280 arson offenses were reported by law enforcement in 2000, an increase of 0.4 percent from the 1999 figure.
- Among community types, the Nation's cities, collectively, experienced a 0.2-percent decline in reported arson offenses. Cities with populations of 1 million or more inhabitants had the greatest decrease in arson, 7.1 percent. In

contrast, cities with populations of 10,000 to 24,999 saw an increase of 6.6 percent for arson offenses and cities of 25,000 to 49,999 inhabitants, an increase of 5.6 percent. The number of arson offenses increased 2.7 percent in the suburban counties. The rural counties had a 0.5-percent decrease in reported offenses.

- Supplemental arson data provided for 68,756 of the 78,280 reported arson offenses in 2000 indicated that 43.8 percent of all arson were structural in nature. Mobile properties were targeted in 31.2 percent of the arson offenses, and other types of property (crops, timber, etc.) accounted for 25.0 percent.
- Among the 30,116 structural arson offenses, residential property comprised 60.3 percent, with 42.2 percent of the structural arson directed at single-family dwellings. Uninhabited or abandoned structural property was targeted in 18.2 percent of the offenses.
- Supplemental arson data indicate that the average monetary value of property damaged due to reported arson in 2000 was \$11,042 per incident. The dollar value for damaged structural property averaged \$19,479. Mobile property loss averaged \$5,803 per incident, and for other property types, the average was \$2,706.
- Juveniles were involved in 45.0 percent of arson incidents cleared by law enforcement in 2000.

#### **Law Enforcement Employees**

- Law enforcement agencies in the United States employed an average of 2.5 full-time sworn officers for every 1,000 inhabitants during 2000. When full-time civilian employees are included, the rate was 3.5 employees per 1,000 inhabitants.
- The 13,535 city, county, and state police agencies that voluntarily reported personnel data in 2000 collectively employed 654,601 officers and 271,982 civilians and provided law enforcement services to nearly 265 million of the Nation's approximately 281 million inhabitants.
- By community type, the rate of sworn officers in the Nation's cities collectively was 2.4 officers per 1,000 inhabitants. Both the suburban and rural counties had a rate of 2.6 sworn officers for every 1,000 population.
- In 2000, 70.6 percent of the Nation's law enforcement personnel were sworn officers. Males made up 89.0 percent of the total number of sworn officers.
- Civilians comprised 29.4 percent of the total law enforcement employee force in the United States during 2000. Females accounted for 62.7 percent of all civilian law enforcement personnel.

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# LARCENY-THEFT

## DEFINITION

Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. It includes crimes such as shoplifting, pocket-picking, purse-snatching, thefts from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, etc., in which no use of force, violence, or fraud occurs. In the Uniform Crime Reporting Program, this crime category does not include embezzlement, confidence games, forgery, and worthless checks. Motor vehicle theft is also excluded from this category inasmuch as it is a separate Crime Index offense.

<i>Year</i>	<i>Number of offenses</i>	<i>Rate per 100,000 inhabitants</i>
1999	6,955,520	2,550.7
2000	6,965,957	2,475.3
Percent change	+0.2	-3.0

Estimated at nearly 7 million offenses in 2000, larceny-theft made up 60 percent of the Crime Index total and 68.4 percent of the property crime total. Larceny-thefts occurred most often in August and least often in February.

Table 2.27

**Larceny-theft by Month**

Percent distribution, 1996-2000

Month	1996	1997	1998	1999	2000
January	7.8	8.0	8.4	7.8	7.7
February	7.5	7.2	7.5	7.2	7.4
March	7.9	8.0	8.2	8.0	8.3
April	8.0	8.0	8.1	8.0	7.9
May	8.6	8.4	8.4	8.4	8.7
June	8.6	8.6	8.6	8.7	8.7
July	9.3	9.2	9.0	9.1	9.1
August	9.2	9.1	9.0	9.2	9.2
September	8.4	8.5	8.4	8.5	8.4
October	8.8	8.8	8.5	8.7	8.8
November	7.8	7.9	7.8	8.1	8.0
December	8.1	8.3	8.2	8.3	7.8

Remaining relatively unchanged, larceny-thefts nationwide registered a slight increase, up 0.2 percent in 2000 compared to the 1999 figure. Cities as a whole also remained nearly unchanged with a 0.1-percent increase in larceny-theft from 1999. Among city population groups, the Nation's smallest cities, those with populations of less than 50,000, rose by 1.0 percent. Among the county groupings, rural counties experienced an increase of 1.8 percent and suburban counties as a whole fell 1.7 percent. (See Table 12.)

The South, the Nation's most populous region, accounted for 40.9 percent of the larceny-theft total in 2000. The Midwest accounted for 22.9 percent of the total, the West recorded 22.2 percent, and the Northeast 14.0 percent. (See Table 3.)

Two of the Nation's four geographic regions recorded increases in larceny-theft in 2000. The Southern States reported a 0.6-percent increase, and the Western States a 0.2-percent increase. Midwestern States reported no change from the previous year, and the Northeastern States reported a 0.9-percent decline in larceny-thefts. (See Table 4.)

Despite the similarity of the larceny-theft total when compared to the previous year's total, an examination of the long-term national trends indicated a decline in larceny-theft. The 2000 larceny-theft total shows an 11.9-percent drop when compared to 1996 figures and a 14.4-percent decrease when compared to figures from 1991. (See Table 1.)

**Rate**

The 2000 larceny-theft rate of 2,475.3 per 100,000 population represented a 3.0-percent drop when compared to the previous year's data. The rate fell 16.9 percent below 1996 figures and was 23.3 percent lower than the

1991 rate. Rates for community types in the Nation revealed 3,125.1 reports of larceny-theft per 100,000 inhabitants in cities outside metropolitan areas, 2,631.9 for metropolitan areas, and 999.7 in rural counties. (See Tables 1 and 2.)

All four geographic regions reported declines in the 2000 larceny-theft rate per 100,000 inhabitants. The Northeast showed a 4.2-percent drop, the South and West decreased 3.2 and 3.1 percent, respectively, and the Midwest reported a 1.8-percent decline. As for larceny-theft rates in 2000, the South reported a rate of 2,842.7 larceny-thefts per 100,000 population. The Midwest registered a rate of 2,475.1, the West experienced a rate of 2,447.1, and the Northeast recorded 1,821.4 larceny-thefts per 100,000 inhabitants. (See Table 4.)

**Nature**

In 2000, the average value of property stolen as a result of larceny-theft was \$735, down from the 1999 value of \$913. The aggregate loss to victims, when applying the average value to the estimated number of larceny-thefts nationally, was over \$5.1 billion for the year. This estimated dollar loss is considered conservative since many offenses in the larceny category never come to the attention of law enforcement, particularly if the value of the stolen goods is small. Losses over \$200 accounted for 38.9 percent of reported larceny-thefts, and losses under \$50 comprised 37.7 percent. The remaining 23.4 percent involved losses ranging from \$50 to \$200.

By type of larceny-theft, losses of goods and property reported stolen as a result of thefts from buildings averaged \$1,176; thefts from motor vehicles had an average loss of \$712; and thefts from coin-operated machines, averaged \$500. Theft of motor vehicle accessories averaged a loss of \$445; pocket-picking resulted in an average loss of \$408; and purse-snatching, \$356. Theft of bicycles resulted in an average loss of \$276 and losses from shoplifting averaged \$181. (See Table 23.)

Table 2.28

**Larceny-theft**

Percent distribution by region, 2000

Type	United States Total	North-eastern States	Mid-western States	Southern States	Western States
Total <sup>1</sup>	100.0	100.0	100.0	100.0	100.0
Pocket-picking	0.5	0.9	0.4	0.4	0.5
Purse-snatching	0.5	1.1	0.5	0.4	0.5
Shoplifting	13.8	15.0	12.4	12.8	15.6
From motor vehicles (except accessories)	25.2	21.9	23.6	23.9	30.1
Motor vehicle accessories	9.7	7.7	10.3	10.0	10.1
Bicycles	4.5	5.5	5.0	3.6	4.9
From buildings	13.1	16.2	15.3	10.9	13.2
From coin-operated machines	0.7	0.6	0.6	0.7	0.7
All others	32.0	31.2	32.1	37.2	24.3

<sup>1</sup> Because of rounding, the percentages may not add to total.



FIGURE 2.15

PARCENY-133N

PERCENT CHANGE  
from 1996

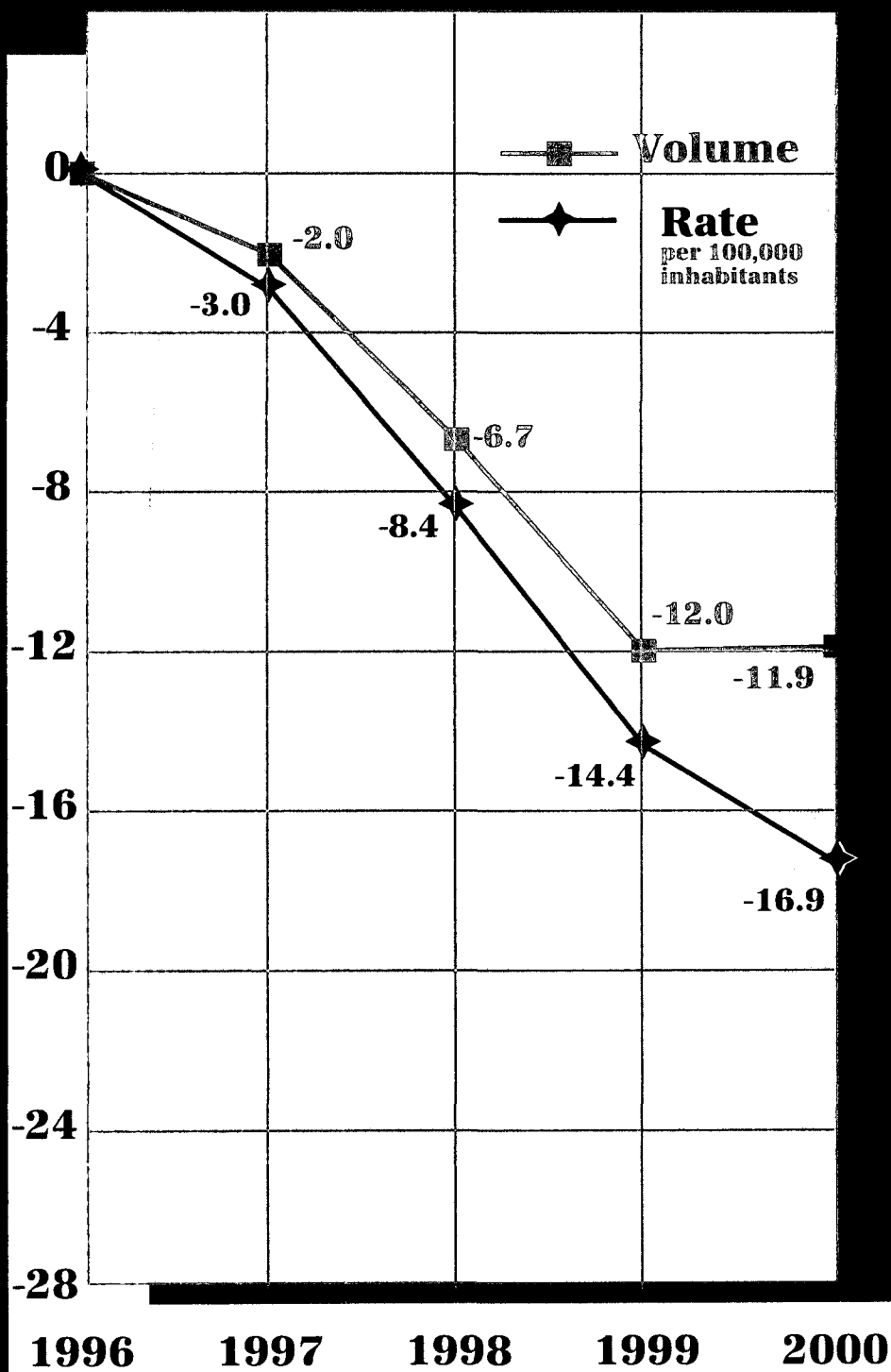


FIGURE 2.16

# LARGE WHEAT CATEGORIES

## PERCENT CHANGE from 1996

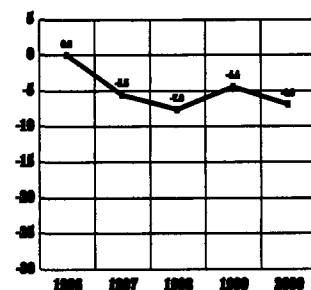
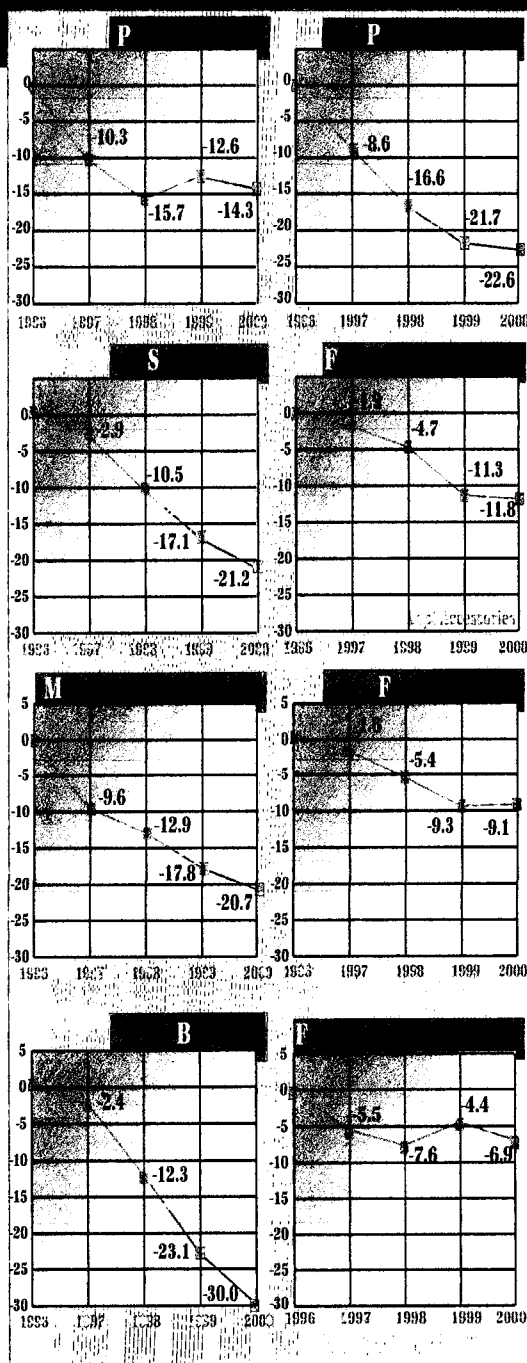
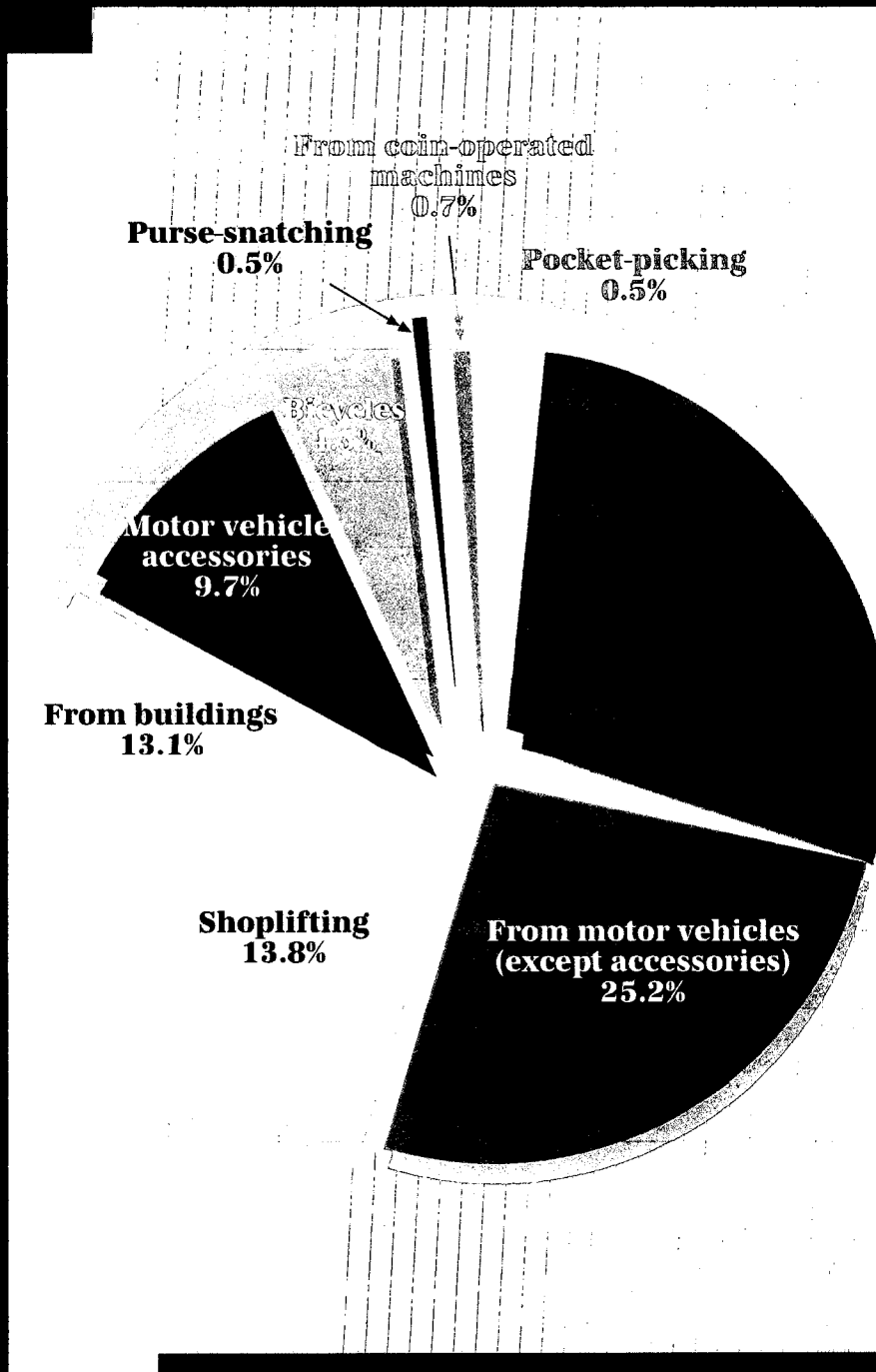


FIGURE 2.17

LAURENCE R. HENRY

PERCENT DISTRIBUTION  
2000



Thefts of motor vehicle parts, accessories, and contents accounted for the largest segment of larceny-theft, 34.9 percent. Shoplifting made up 13.8 percent of larceny-thefts, and thefts from buildings, 13.1 percent. The remainder of larceny-thefts were attributed to pocket-picking, purse-snatching, bicycle thefts, thefts from coin-operated machines, and all other types of larceny-thefts. Table 2.28 provides the distribution of larceny-theft by type and geographic region.

### **Law Enforcement Response**

The national clearance rate for larceny-theft offenses in 2000 was 18.2 percent. Cities with populations from 10,000 to 24,999 recorded the highest clearance rate, 22.9 percent. The Nation's cities collectively cleared 18.5 percent of larceny-thefts, and rural counties reported an 18.4-percent clearance rate. Suburban counties had a 16.8-percent clearance rate.

Law enforcement agencies in the Northeast cleared 21.6 percent of reported larceny-theft offenses in 2000. Agencies in the Midwest cleared 17.9 percent; the South, 17.8 percent; and the West, 17.4 percent. (See Table 26.)

Larceny-theft clearances involving juveniles (person under age 18), both nationally and in the Nation's cities were measured at 23.0 and 23.5 percent, respectively. Juveniles comprised 21.6 percent of larceny-theft clearances in suburban counties, and 16.8 percent in rural

counties. Cities with populations of 50,000 to 99,999 inhabitants showed the greatest juvenile involvement in larceny-theft, 26.5 percent.

The number of persons arrested for larceny-theft in 2000 fell 5.5 percent in comparison to 1999 data. Arrests of males and females decreased 6.6 percent and 3.4 percent, respectively. Arrests of juveniles dropped 5.6 percent during this same period, and arrests of adults declined 5.4 percent.

A comparison of 1996 and 2000 data, revealed that larceny-theft arrests have declined 21.2 percent. The number of adult arrests dropped 18.3 percent in this 5-year period, and arrests of persons under the age of 18 fell 26.9 percent. Arrests of males were 23.6 percent lower in 2000 than in 1999, and arrests of females were down 16.5 percent.

Of the arrests for all Crime Index offenses reported to law enforcement in 2000, larceny-theft accounted for 52.3 percent. Larceny-theft comprised 72.4 percent of all arrests for property crimes. Of those individuals arrested for larceny-theft, 46.5 percent were persons under 21 years of age, and 31.2 percent of the arrestees were under 18. Females were arrested more often for this offense than for any other and made up 35.9 percent of larceny-theft arrestees.

Of the total number of persons arrested for larceny-theft offenses, 66.7 percent were white, 30.4 percent were black, and the remaining 2.9 percent were of all other races.

# BURGLARY

## DEFINITION

The Uniform Crime Reporting Program defines burglary as the unlawful entry of a structure to commit a felony or theft. The use of force to gain entry is not required to classify an offense as burglary. Burglary in this Program is categorized into three subclassifications: forcible entry, unlawful entry where no force is used, and attempted forcible entry.

<i>Year</i>	<i>Number of offenses</i>	<i>Rate per 100,000 inhabitants</i>
1999	2,100,739	770.4
2000	2,049,946	728.4
Percent change	-2.4	-5.4

For the ninth straight year, the estimated number of burglary offenses declined; the estimated 2,049,946 offenses nationwide represents the lowest measure since 1969. The Southern States, the Nation's most populous region, recorded the highest burglary volume, 44.2 percent. The Western States followed with 22.5 percent of the Nation's burglaries, the Midwestern States with 20.8 percent, and the Northeastern States with 12.5 percent. (See Table 3.)

Monthly figures for 2000 revealed that the greatest number of burglaries occurred in July and August, and the lowest volume was recorded during February. (See Table 2.26.)

Table 2.26

**Burglary by Month**

Percent distribution, 1996-2000

Month	1996	1997	1998	1999	2000
January	8.3	8.4	8.9	8.3	8.2
February	7.6	7.2	7.5	7.2	7.3
March	7.8	7.9	8.2	7.9	8.0
April	7.8	7.8	8.0	7.7	7.8
May	8.3	8.3	8.3	8.2	8.6
June	8.1	8.2	8.2	8.4	8.4
July	9.1	9.1	9.0	9.0	9.2
August	8.9	9.0	9.0	9.1	9.2
September	8.6	8.7	8.4	8.7	8.5
October	8.8	8.8	8.4	8.6	8.7
November	8.0	8.2	7.9	8.4	8.2
December	8.6	8.6	8.2	8.5	8.0

Compared to the 1999 national volume, burglary declined 2.4 percent in 2000. By community type, suburban counties experienced the greatest decline, 4.6 percent. Meanwhile, rural counties showed a 0.9-percent decrease in burglary volumes between 1999 and 2000. Collectively, the Nation's cities showed a decline of 2.2 percent in burglary volume. By city group, cities with populations of 100,000 to 499,999 showed the greatest decrease, down 3.2 percent. (See Table 12.)

In 2000, decreases from the previous year's burglary volumes were recorded in all four regions of the United States. The greatest decrease, 5.1 percent, was registered in the Northeastern States. The Midwestern States reported a 3.5-percent decline, and the Southern and Western States recorded burglary volumes decreases of 2.2 and 0.2 percent, respectively. (See Table 4.)

National 5- and 10-year trends indicate burglary was down 18.2 percent from the 1996 level and has dropped 35.1 percent when compared to the 1991 volume.

## Rate

National offense rates for burglary in 2000—728.4 offenses per 100,000 inhabitants—were the lowest in more than three decades. The rate was 5.4 percent lower than the 1999 rate, 22.9 percent below the 1996 rate, and had dropped 41.8 percent from the 1991 rate. In metropolitan areas, the burglary rate was reported at 754.9 offenses for every 100,000 in population; cities outside metropolitan areas recorded a rate of 759.2; and rural counties showed a rate of 532.3 per 100,000 inhabitants.

Among the Nation's four regions, the Southern States experienced the highest burglary rate, 903.0 offenses per 100,000 inhabitants. The Western States reported a rate of 730.3, and the Midwestern States registered a rate of 663.7. The lowest rate, 477.4, was recorded in the Northeastern States. All regions indicated declines in burglary rates compared to the previous year's numbers. The Northeastern Region recorded the greatest decline at 8.2 percent. The Southern and Midwestern Regions showed decreases of 5.9 percent and 5.2 percent, respectively, and the Western Region reported a decrease of 3.4 percent. (See Table 4.)

## Nature

When considering distribution by type of burglary, forcible entry was involved in 63.7 percent of all burglaries in 2000, unlawful entries (without force) made up 29.5 percent of all burglaries, and the remaining 6.8 percent were forcible entry attempts. In 2000, 2 of every 3 burglaries were residential in nature. Offenses for which time of occurrence was reported showed that burglaries occurred more commonly during the daytime, 54.5 percent, than at night, 45.5 percent. Burglaries of residences occurred more frequently during the daytime, 60.7 percent, and burglaries of nonresidences occurred more frequently at night, 57.7 percent.

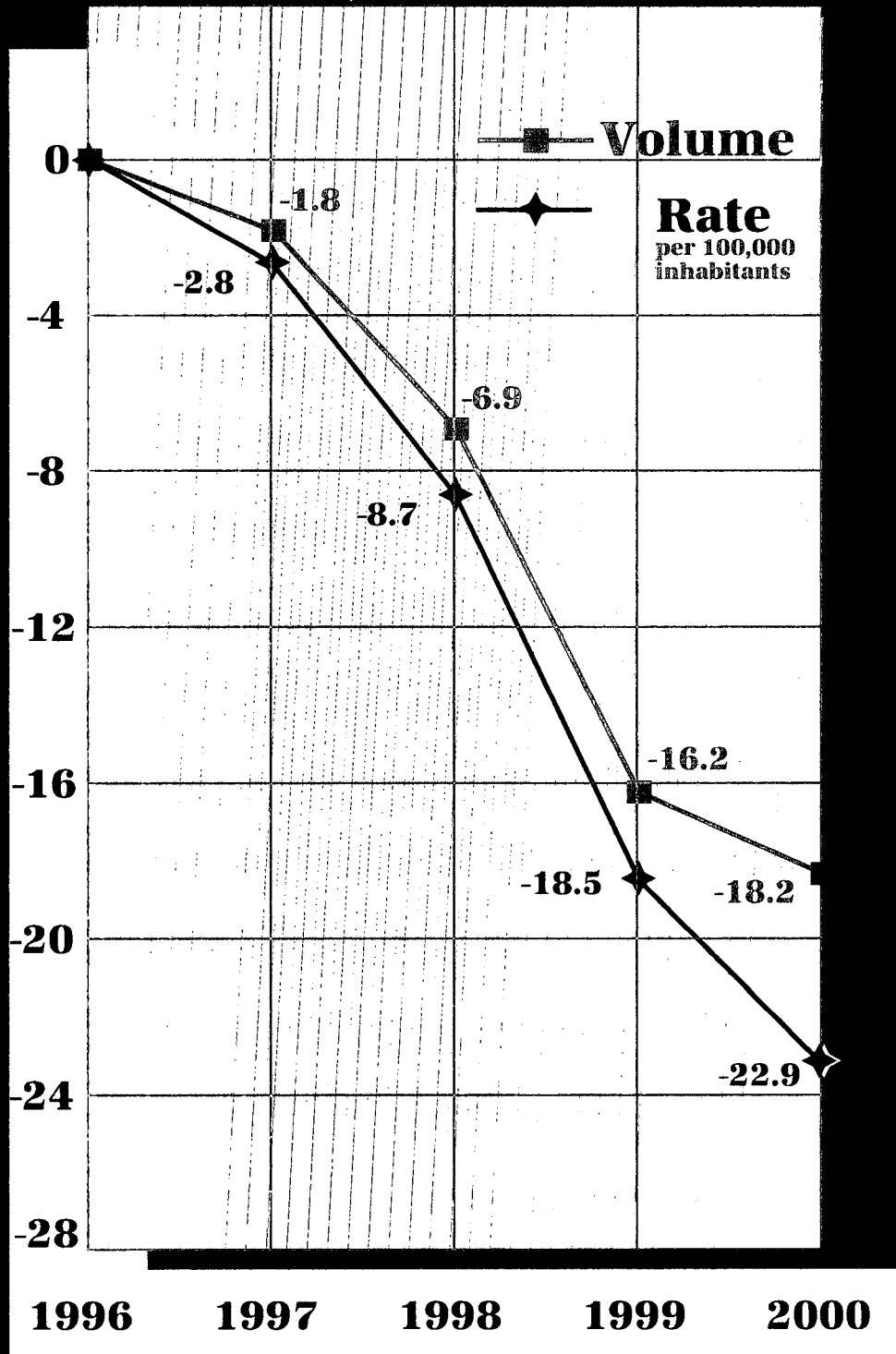
Victims experienced an estimated loss of nearly \$3 billion in 2000. The average dollar loss per burglary was \$1,462. For residential offenses, the average loss was reported at \$1,381 and for nonresidential burglaries at \$1,615.

Residential burglary volumes declined in 2000, down 3.9 percent from 1999 figures, and nonresidential burglary volumes increased 0.3 percent over the previous year's numbers. (See Table 23.)

FIGURE 2.13

BURCHMAYR

PERCENT CHANGE  
from 1996



## Law Enforcement Response

A clearance rate of 13.4 percent was recorded for burglary offenses known to law enforcement in 2000. By region, the Northeast had a clearance rate of 16.8 percent; the South, 13.7 percent; the West, 12.3 percent; and the Midwest, 11.6 percent. (See Table 26.)

Law enforcement agencies in rural counties cleared 17.0 percent of the burglaries reported in their jurisdictions and suburban county law enforcement agencies cleared 14.0 percent. Cities as a whole cleared 12.8 percent. Cities with populations of less than 10,000 cleared the greatest percentage of burglaries among city types, 16.8. Those cities with populations over 250,000 had the lowest burglary clearance rate, 11.1. (See Table 25.)

Adult offenders were involved in the highest percentage of burglary clearances, 80.8 percent. Juvenile offenders (people under 18 years of age) were involved in the remaining 19.2 percent of clearances. The highest measure of juvenile clearances occurred in the Nation's smallest cities (under 10,000 in population) with 24.8 percent. Juveniles made up 20.8 percent of the burglary

clearances in suburban counties. In both cities as a whole and rural counties, juveniles comprised 19 percent of clearances. (See Table 28.)

In the UCR Program, several persons may be arrested in connection with the clearance of one crime, or the arrest of one individual may clear numerous offenses. The latter is often true in cases of burglary, for which an estimated 289,844 arrests were made in 2000.

Total burglary arrests were down 3.4 percent from 1999. Arrests of juveniles and adults declined by 5.0 and 2.6 percent, respectively. Burglary arrests in the Nation's cities overall fell 4.6 percent for the same timeframe. In rural counties, burglary arrests declined slightly, 0.5 percent, and arrests for the same offense in suburban counties were up 0.4 percent.

Males comprised the greatest number of arrestees for burglary, at 86.7 percent of the total, in 2000. The majority of arrestees were persons under the age of 25, 63.8 percent. By race, whites accounted for 69.4 percent of all persons arrested for burglary, blacks for 28.4 percent, and other races for the remainder.



## PROPERTY CRIME TOTAL

### DEFINITION

Property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. The object of the theft-type offenses is the taking of money or property, but there is no force or threat of force against the victims. Arson is included since it involves the destruction of property; its victims may be subjected to force.

<i>Year</i>	<i>Number of offenses<sup>1</sup></i>	<i>Rate per 100,000 inhabitants<sup>1</sup></i>
1999	10,208,334	3,743.6
2000	10,181,462	3,617.9
Percent change	-0.3	-3.4

<sup>1</sup>Does not include arson. See page 57.

In 2000, the estimated property crime total (10.2 million offenses) decreased 0.3 percent from 1999 numbers. The 2000 volume was 13.8 percent lower than in 1996, and 21.4 percent lower than in 1991.

The most populated region, the South, recorded 41.0 percent of all property crimes. The West accounted for 23.0 percent of the total. The Midwest States recorded 22.2 percent of the property crimes, and 13.8 percent occurred in the Northeast.

When comparing property crime volumes for 1999 and 2000, the West reported a 1.0-percent increase and the other regions recorded decreases—2.0 percent in the Northeast, 0.6 percent in the Midwest, and 0.2 percent in the South. (See Table 4.)

Among city groupings, property crime declined 0.2 percent in the United States' cities as a whole from 1999 to 2000. Cities with populations of 500,000 to 999,999 inhabitants had the greatest decrease, 0.9 percent. Rural counties experienced a 0.9-percent increase in property crime, and suburban counties registered a decline of 2.0 percent. (See Table 12.)

The greatest number of property crimes in 2000 took place in August, while the fewest occurred in February. (See Table 2.25.)

Table 2.25

**Property Crime Total by Month**  
Percent distribution, 1996-2000

Month	1996	1997	1998	1999	2000
January	8.0	8.2	8.6	8.0	7.8
February	7.6	7.3	7.5	7.2	7.4
March	7.9	8.0	8.2	8.0	8.2
April	8.0	8.0	8.0	7.9	7.9
May	8.5	8.4	8.4	8.3	8.6
June	8.4	8.4	8.5	8.6	8.6
July	9.2	9.1	8.9	9.1	9.1
August	9.1	9.0	9.0	9.2	9.2
September	8.4	8.5	8.4	8.5	8.5
October	8.7	8.8	8.5	8.7	8.7
November	7.9	8.0	7.9	8.2	8.1
December	8.3	8.3	8.2	8.4	7.9

## Rate

With a rate of 3,617.9 property crimes per 100,000 inhabitants in 2000, the national figure is down 3.4 percent from the 1999 rate. When comparing 5-year and 10-year trends, the rate fell 18.7 percent from 1996 rates and 29.6 percent when compared to 1991 rates.

As in 1999, all four regions registered property crime rate decreases in 2000. The Northeast had the biggest decline—5.2 percent—with a rate of 2,690.9 per 100,000

inhabitants. The South experienced a rate of 4,162.8 per 100,000 inhabitants, a 4.0-percent decrease. The West and Midwest each recorded a 2.3-percent decline in property crime rates per 100,000 inhabitants, with rates of 3,701.5 and 3,517.2, respectively.

Collectively, in the Nation's cities, property crime rates were 4,419.6 per 100,000 inhabitants. In suburban counties, the rate was 2,682.8. In rural counties, the rate was 1,714.9. (See Table 16.)

## Nature

More than \$15.9 billion was the estimated total dollar value of property stolen in 2000. The average loss per offense was \$1,562, a decrease from the average loss of \$1,624 in 1999.

Larceny-theft constituted 68.4 percent of all property crimes in 2000. Burglary accounted for 20.1 percent of property crimes, and motor vehicle thefts comprised the remaining 11.4 percent. A total of 11,903 law enforcement agencies reported 68,756 arsons in 2000. The average dollar loss due to reported arsons was \$11,042.

## Law Enforcement Response

As in previous years, the 2000 clearance rate for property crimes was lower than for violent crimes. The clearance rate for violent crimes in 2000 was 47.5 percent, and the clearance rate for property crimes was 16.7 percent. By region, property crime clearance rates were 19.8 percent in the Northeast, 16.7 percent in the South, 16.4 percent in the Midwest, and 15.5 percent in the West. (See Table 26.)

Juveniles only (defined as persons under 18 years of age) were involved in 22.1 percent of property crimes cleared by law enforcement nationwide. Juvenile clearances were measured at 22.5 percent in city population groups, 21.3 percent in suburban counties, and 17.8 percent in rural counties. (See Table 28.)

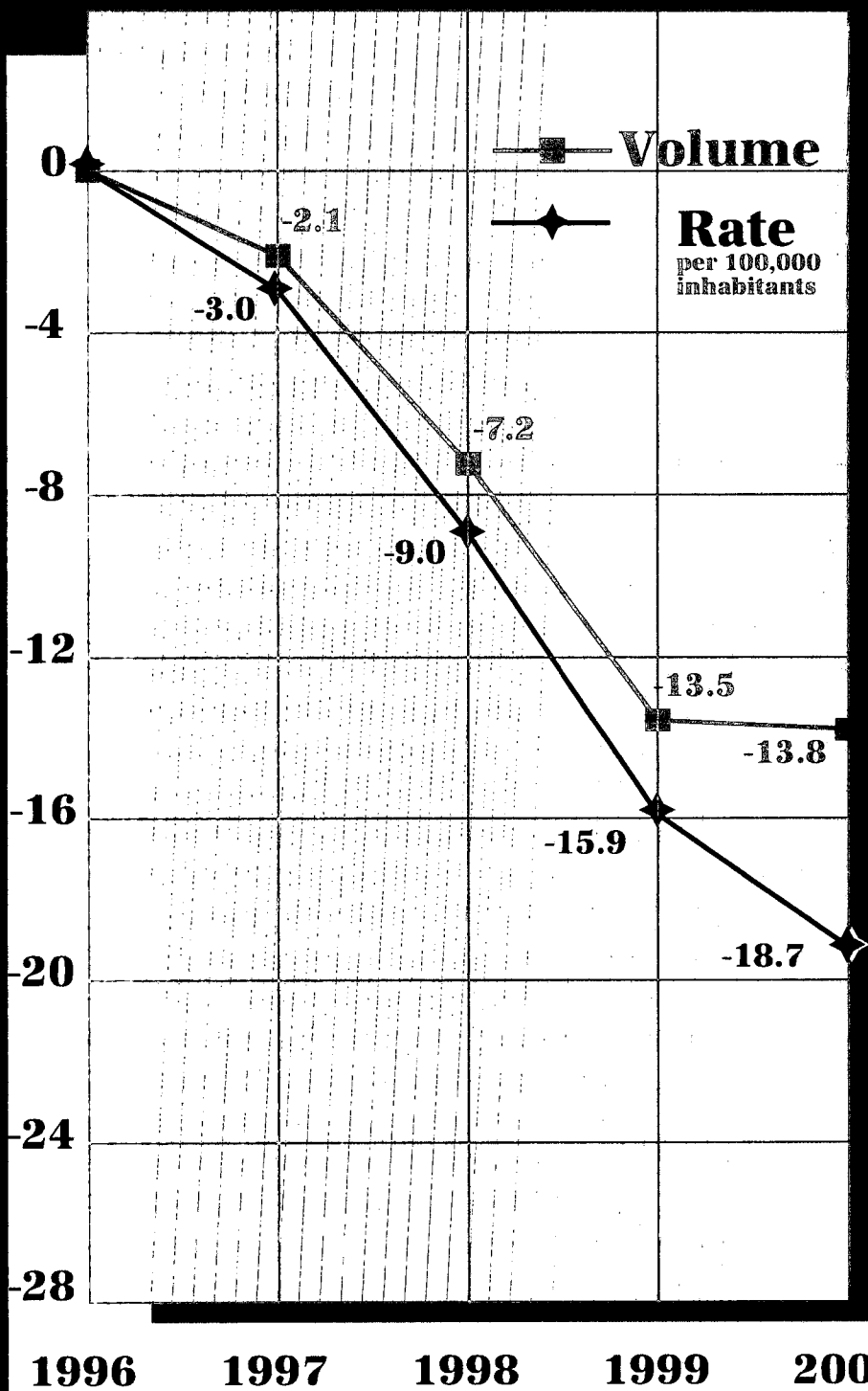
Law enforcement officers made an estimated 1,620,928 arrests for property crimes, which accounted for 11.9 percent of all arrests in 2000. The 2000 arrest total for property crime was 4.6 percent lower than in 1999, 20.9 percent less than in 1996, and 29.6 percent below the 1991 total for property crime arrests. Juvenile arrests nationwide for property crimes dropped 5.3 percent compared to 1999. Adult arrests nationwide for property crimes declined 4.2 percent from 1999. (See Tables 32, 34, and 36.)

Males accounted for 70.1 percent of property crime arrests in 2000. Sixty-eight percent of all arrestees were over age 18, and 66.2 percent of persons arrested were white.

FIGURE 2.12

# PROPERTY CRIME

**PERCENT CHANGE**  
from 1996



## SECTION IV

### Persons Arrested

Primarily a gauge of law enforcement's response to crime, arrest counts also provide definitive data concerning the age, sex, and race of perpetrators. Arrest practices, policies, and enforcement emphases vary from place to place, even within a community from time to time such as during a local police campaign to deter juvenile violence. Though the arrest practices for certain unlawful conduct such as drunkenness, disorderly conduct, vagrancy, and related violations may differ among agencies, those for robbery, burglary, and other serious crimes are more likely to be uniform and consistently enforced throughout all jurisdictions. The UCR Program's procedures require that an arrest be counted on each separate occasion a person is taken into custody, notified, or cited. However, annual arrest figures do not measure the number of individuals arrested since one person may be arrested several times during the year for the same or different offenses.

In 2000, law enforcement agencies nationwide made an estimated 14 million arrests for all criminal infractions, excluding traffic violations. Among specific crime categories, some of the highest arrest counts were for drug abuse violations at 1.6 million arrests and driving under the influence at 1.5 million arrests. Simple assaults and larceny-thefts registered 1.3 million and 1.2 million arrests, respectively. Drug abuse violations and alcohol-related arrests combined accounted for an estimated 31.3 percent of the overall arrests. (See Table 29.)

In relation to the total United States population, the arrest rate was 5,010.4 arrests per 100,000 inhabitants in 2000. Among city population groupings, cities with under 10,000 inhabitants registered the highest rate, 6,460.1 per 100,000, and cities with populations from 25,000 to 49,999 experienced the lowest rate at 4,600.4 per 100,000 inhabitants. The arrest rate for rural county law enforcement agencies was 4,027.1, and for suburban county law enforcement, 4,021.5 per 100,000 inhabitants. (See Table 31.) Regionally, arrest rates per 100,000 population ranged from 4,012.2 in the Northeast to 5,570.6 in the South. The West and the Midwest had rates of 4,921.1 and 5,250.6, respectively. (See Table 30.)

#### Arrest Trends

Excluding traffic violations, the total number of arrests for the Nation in 2000 decreased 2.2 percent from the previous year's figures. Crime Index arrests declined 3.7 percent. Among those, violent crime arrests dipped 1.4 percent, and arrests for property crimes decreased 4.6 percent.

In comparing arrest figures from 1999 to 2000, adult arrests were down 1.7 percent, and juvenile arrests fell 4.8

percent. Adult arrests for violent crime declined 0.8 percent and juvenile arrests for violent crime decreased 4.4 percent. Property crime arrests also dropped for adults and juveniles at 4.2 percent and 5.3 percent, respectively. (See Table 36.)

Collectively, the Nation's cities registered a 2.9-percent decrease in the total number of arrests for 2000; rural counties, a decline of 0.2 percent; and suburban counties, a dip of 0.1 percent. (See Tables 44, 50, and 56.)

Five-year trend data point to decreasing arrest totals for the Nation with 2000 figures down 5.1 percent from the 1996 numbers. Juvenile arrests for the period fell 15.3 percent, and adult arrests declined 2.7 percent. (See Table 34.)

Though data from 1991 and 2000 show arrests for Crime Index offenses fell 25.3 percent with violent crime arrests decreasing 11.3 percent and property crime arrests falling 29.6 percent, data used to establish 10-year arrest trends show total arrests were up 0.2 percent. During the period, arrests increased for simple assaults, forgery and counterfeiting, embezzlement, drug abuse violations, offenses against the family and children, liquor law violations, curfew and loitering law transgressions, and other general offenses.

Drug abuse violation arrests for 2000 increased 0.5 percent over the 1999 figures, 7.5 percent above the 1996 level, and 49.4 percent higher than the 1991 total. Table 4.1 provides a breakdown of the types of drug abuse violation arrests during 2000 by geographic region.

#### Age

Nationally, 5.5 percent of all persons arrested in 2000 were under the age of 15; 17.1 percent were under 18 years of age; 32.1 percent were under 21; and 46.0 percent were under the age of 25. The under-25 age group also accounted for 47.5 percent of arrestees in the Nation's cities collectively, 41.5 percent in suburban counties, and 41.2 percent in rural counties. (See Tables 41, 47, 53, and 59.)

According to national age distribution figures for Crime Index offense arrestees, 27.5 percent were under 18 years of age; 43.1 percent, under 21; and 55.1 percent, under 25 years of age. The under-25 age group comprised 44.4 percent of the violent crime arrestees and 59.2 percent of the property crime arrestees in 2000.

Law enforcement arrested juveniles (persons under age 18) for the offense of larceny-theft most often than any other offense in 2000, whereas adults were most often arrested for drug abuse violations. (See Table 38.)

Table 4.1

**Arrests for Drug Abuse Violations  
by Region, 2000**

Drug abuse violations	United States Total	North-eastern States	Mid-western States	Southern States	Western States
Total <sup>1</sup>	100.0	100.0	100.0	100.0	100.0
Sale/Manufacturing: <sup>1</sup>	19.0	26.0	19.5	17.0	17.0
Heroin or cocaine and their derivatives	9.3	18.1	5.0	9.1	6.7
Marijuana	5.6	6.3	9.3	4.8	4.7
Synthetic or manufactured drugs	1.1	0.7	0.7	2.0	0.8
Other dangerous nonnarcotic drugs	3.0	1.0	4.4	1.2	4.9
Possession: <sup>1</sup>	81.0	74.0	80.5	83.0	83.0
Heroin or cocaine and their derivatives	24.2	26.5	14.0	24.2	26.8
Marijuana	40.9	42.0	52.1	50.5	28.5
Synthetic or manufactured drugs	2.2	1.5	1.8	2.7	2.3
Other dangerous nonnarcotic drugs	13.6	3.9	12.6	5.5	25.5

<sup>1</sup> Because of rounding, the percentages may not add to total.

**Sex**

Males comprised 77.8 percent of all persons arrested in the United States during 2000. (See Table 42.) The male gender accounted for 73.6 percent of Crime Index arrestees, 82.6 percent of those arrested for violent crimes, and 70.1 percent of property crime arrestees. Drug abuse violations and driving under the influence, the offenses for which men were most often arrested, jointly totaled 22.9 percent of all male arrests. Comparatively, those same offenses accounted for 16.5 percent of overall female arrests and 21.5 percent of total arrests. By gender, 45.0 percent of male violent crime arrestees and

41.6 percent of female violent crime arrestees were under the age of 25.

As in previous years, females were most frequently arrested for larceny-theft in 2000. Larceny-theft arrests totaled 71.1 percent of female arrests for Index offenses and 13.9 percent of all female arrests; 57.7 percent of all female larceny-theft arrestees were under 25 years of age.

In comparing 2000 arrests by gender to those for the previous year, the total number of male arrests was 2.6 percent lower than the 1999 figure, and the total number of arrests for females dipped 1.0 percent. Though male arrests for violent crimes declined over the past year by 1.7 percent, female arrests for violent crimes slightly increased by 0.1 percent.

A 5-year trend comparison of 1996 and 2000 arrest data indicates that arrests for both males and females decreased, down 6.4 percent and 0.2 percent, respectively. Male violent crime arrests fell by 13.4 percent during that same period, while female violent crime arrests rose 2.1 percent.

Ten-year trend data show a 0.2-percent increase in total arrests when comparing 1991 to 2000. Though total arrests for males declined 3.8 percent, total arrests for females climbed 17.6 percent. Regarding arrests for violent crimes, male violent crime arrests fell 17.1 percent, but female arrests for violent crimes jumped 32.7 percent. (See Tables 32-37.)

**Race**

Race distribution figures for the total number of arrests in the Nation during 2000 show that 69.7 percent of the arrestees were white, 27.9 percent were black, and the remainder were of other races. (See Table 43.) Whites made up 64.5 percent of the Index crime arrests, 66.2 percent of the property crime arrests, and 59.9 percent of the violent crime arrests.

Table 29

**Estimated Arrests  
United States, 2000**

<b>Total<sup>1,2</sup></b>	<b>13,980,297</b>	Other assaults	1,312,169	Offenses against the family and children	147,663
Murder and nonnegligent manslaughter	13,227	Forgery and counterfeiting	108,654	Driving under the influence	1,471,289
Forcible rape	27,469	Fraud	345,732	Liquor laws	683,124
Robbery	106,130	Embezzlement	18,952	Drunkness	637,554
Aggravated assault	478,417	Stolen property; buying, receiving, possessing	118,641	Disorderly conduct	638,740
Burglary	289,844	Vandalism	281,305	Vagrancy	32,542
Larceny-theft	1,166,362	Weapons; carrying, possessing, etc.	159,181	All other offenses	3,710,434
Motor vehicle theft	148,225	Prostitution and commercialized vice	87,620	Suspicion	5,682
Arson	16,530	Sex offenses (except forcible rape and prostitution)	93,399	Curfew and loitering law violations	154,711
Violent crime <sup>3</sup>	625,132	Drug abuse violations	1,579,566	Runaways	141,975
Property crime <sup>4</sup>	1,620,928	Gambling	10,842		
Crime Index total <sup>5</sup>	2,246,054				

<sup>1</sup> Does not include suspicion.

<sup>2</sup> Because of rounding, the figures may not add to total.

<sup>3</sup> Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.

<sup>4</sup> Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

<sup>5</sup> Includes arson.

Table 30

**Number and Rate of Arrests**

by Geographic Region, 2000

[Rate: Number of arrests per 100,000 inhabitants]

Offense charged	United States total (9,017 agencies; population 182,090,101)	Northeast (2,282 agencies; population 34,768,148)	Midwest (1,944 agencies; population 33,896,012)	South (3,126 agencies; population 56,487,758)	West (1,665 agencies; population 56,938,183)
<b>TOTAL<sup>1</sup></b>	<b>9,123,428</b>	<b>1,394,983</b>	<b>1,779,741</b>	<b>3,146,735</b>	<b>2,801,969</b>
<b>Rate</b>	<b>5,010.4</b>	<b>4,012.2</b>	<b>5,250.6</b>	<b>5,570.6</b>	<b>4,921.1</b>
Murder and nonnegligent manslaughter	8,709	1,077	1,552	3,563	2,517
Rate	4.8	3.1	4.6	6.3	4.4
Forcible rape	17,914	3,458	3,681	5,623	5,152
Rate	9.8	9.9	10.9	10.0	9.0
Robbery	72,320	15,758	11,248	21,052	24,262
Rate	39.7	45.3	33.2	37.3	42.6
Aggravated assault	316,630	50,922	44,012	87,645	134,051
Rate	173.9	146.5	129.8	155.2	235.4
Burglary	189,343	28,162	27,498	61,921	71,762
Rate	104.0	81.0	81.1	109.6	126.0
Larceny-theft	782,082	125,490	156,054	259,065	241,473
Rate	429.5	360.9	460.4	458.6	424.1
Motor vehicle theft	98,697	12,582	24,878	24,301	36,936
Rate	54.2	36.2	73.4	43.0	64.9
Arson	10,675	2,024	1,914	3,142	3,595
Rate	5.9	5.8	5.6	5.6	6.3
Violent crime <sup>2</sup>	415,573	71,215	60,493	117,883	165,982
Rate	228.2	204.8	178.5	208.7	291.5
Property crime <sup>3</sup>	1,080,797	168,258	210,344	348,429	353,766
Rate	593.6	483.9	620.6	616.8	621.3
Crime Index total <sup>4</sup>	1,496,370	239,473	270,837	466,312	519,748
Rate	821.8	688.8	799.0	825.5	912.8
Other assaults	858,385	146,261	163,164	327,590	221,370
Rate	471.4	420.7	481.4	579.9	388.8
Forgery and counterfeiting	71,268	10,102	9,815	27,859	23,492
Rate	39.1	29.1	29.0	49.3	41.3
Fraud	213,828	30,884	32,116	129,626	21,202
Rate	117.4	88.8	94.7	229.5	37.2
Embezzlement	12,577	887	1,917	6,366	3,407
Rate	6.9	2.6	5.7	11.3	6.0
Stolen property; buying, receiving, possessing	78,685	17,386	16,682	18,883	25,734
Rate	43.2	50.0	49.2	33.4	45.2
Vandalism	184,500	41,129	37,797	43,856	61,718
Rate	101.3	118.3	111.5	77.6	108.4
Weapons; carrying, possessing, etc.	105,341	14,197	20,064	34,867	36,213
Rate	57.9	40.8	59.2	61.7	63.6
Prostitution and commercialized vice	61,383	8,096	15,949	13,905	23,433
Rate	33.7	23.3	47.1	24.6	41.2
Sex offenses (except forcible rape and prostitution)	61,172	10,087	11,132	15,349	24,604
Rate	33.6	29.0	32.8	27.2	43.2
Drug abuse violations	1,042,334	176,209	190,520	308,624	366,981
Rate	572.4	506.8	562.1	546.4	644.5
Gambling	7,197	1,169	2,615	2,373	1,040
Rate	4.0	3.4	7.7	4.2	1.8
Offenses against the family and children	91,297	25,135	27,102	27,526	11,534
Rate	50.1	72.3	80.0	48.7	20.3
Driving under the influence	926,096	122,303	194,035	280,212	329,546
Rate	508.6	351.8	572.4	496.1	578.8
Liquor laws	435,672	53,449	136,850	105,684	139,689
Rate	239.3	153.7	403.7	187.1	245.3
Drunkenness	423,310	27,167	39,455	235,093	121,595
Rate	232.5	78.1	116.4	416.2	213.6
Disorderly conduct	421,542	115,482	108,947	122,761	74,352
Rate	231.5	332.1	321.4	217.3	130.6
Vagrancy	21,988	5,435	3,148	5,721	7,684
Rate	12.1	15.6	9.3	10.1	13.5
All other offenses (except traffic)	2,411,162	315,996	460,806	919,347	715,013
Rate	1,324.2	908.9	1,359.5	1,627.5	1,255.8
Suspicion	3,704	433	1,463	1,556	252
Rate	2.0	1.2	4.3	2.8	0.4
Curfew and loitering law violations	105,683	22,385	19,561	22,633	41,104
Rate	58.0	64.4	57.7	40.1	72.2
Runaways	93,638	11,751	17,229	32,148	32,510
Rate	51.4	33.8	50.8	56.9	57.1

<sup>1</sup> Does not include suspicion.<sup>2</sup> Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.<sup>3</sup> Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.<sup>4</sup> Includes arson.

Table 31

**Number and Rate of Arrests**  
by Population Group, 2000  
[Rate: Number of arrests per 100,000 inhabitants]

Offense charged	Total (9,017 agencies; population 182,090,101)	Total cities (6,440 cities, population 128,860,279)	Cities						Counties		Suburban area? (4,584 agencies; population 75,152,823)
			Group I (52 cities, 250,000 and over; population 35,131,894)	Group II (134 cities, 100,000 to 249,999; population 19,667,767)	Group III (299 cities, 50,000 to 99,999; population 20,157,728)	Group IV (558 cities, 25,000 to 49,999; population 19,225,425)	Group V (1,258 cities, 10,000 to 24,999; population 19,893,178)	Group VI (4,139 cities, under 10,000; population 14,784,287)	Suburban counties <sup>1</sup> (872 agencies; population 34,671,105)	Rural counties (1,705 agencies; population 18,558,717)	
<b>TOTAL<sup>3</sup></b>	<b>9,123,428</b>	<b>6,981,760</b>	<b>2,145,369</b>	<b>1,003,985</b>	<b>1,014,756</b>	<b>884,445</b>	<b>978,120</b>	<b>955,085</b>	<b>1,394,291</b>	<b>747,377</b>	<b>3,287,306</b>
<b>Rate</b>	<b>5,010.4</b>	<b>5,418.1</b>	<b>6,106.6</b>	<b>5,104.7</b>	<b>5,034.1</b>	<b>4,600.4</b>	<b>4,916.9</b>	<b>6,460.1</b>	<b>4,021.5</b>	<b>4,027.1</b>	<b>4,374.2</b>
Murder and nonnegligent manslaughter	8,709	6,366	3,185	1,067	795	460	507	352	1,557	786	2,362
Rate	4.8	4.9	9.1	5.4	3.9	2.4	2.5	2.4	4.5	4.2	3.1
Forcible rape	17,914	13,172	4,828	2,053	1,854	1,556	1,550	1,331	2,930	1,812	5,877
Rate	9.8	10.2	13.7	10.4	9.2	8.1	7.8	9.0	8.5	9.8	7.8
Robbery	72,320	62,919	29,222	10,716	8,773	6,169	5,006	3,033	7,589	1,812	18,217
Rate	39.7	48.8	83.2	54.5	43.5	32.1	25.2	20.5	21.9	9.8	24.2
Aggravated assault	316,630	246,959	92,136	41,891	35,736	29,172	26,152	21,872	48,293	21,378	101,991
Rate	173.9	191.6	262.3	213.0	177.3	151.7	131.5	147.9	139.3	115.2	135.7
Burglary	189,343	140,272	40,761	25,212	22,702	17,417	18,118	16,062	29,920	19,151	64,068
Rate	104.0	108.9	116.0	128.2	112.6	90.6	91.1	108.6	86.3	103.2	85.3
Larceny-theft	782,082	670,523	188,316	106,908	107,696	97,747	98,540	71,316	80,561	30,998	259,465
Rate	429.5	520.3	536.0	543.6	534.3	508.4	495.3	482.4	232.4	167.0	345.2
Motor vehicle theft	98,697	79,928	41,545	11,187	8,209	6,200	6,865	5,922	13,263	5,506	26,357
Rate	54.2	62.0	118.3	56.9	40.7	32.2	34.5	40.1	38.3	29.7	35.1
Arson	10,675	7,806	1,986	1,169	1,214	1,039	1,228	1,170	2,002	867	4,390
Rate	5.9	6.1	5.7	5.9	6.0	5.4	6.2	7.9	5.8	4.7	5.8
Violent crime <sup>4</sup>	415,573	329,416	129,371	55,727	47,158	37,357	33,215	26,588	60,369	25,788	128,447
Rate	228.2	255.6	368.2	283.3	233.9	194.3	167.0	179.8	174.1	139.0	170.9
Property crime <sup>5</sup>	1,080,797	898,529	272,608	144,476	139,821	122,403	124,751	94,470	125,746	56,522	354,280
Rate	593.6	697.3	776.0	734.6	693.6	636.7	627.1	639.0	362.7	304.6	471.4
Crime Index total <sup>6</sup>	1,496,370	1,227,945	401,979	200,203	186,979	159,760	157,966	121,058	186,115	82,310	482,727
Rate	821.8	952.9	1,144.2	1,017.9	927.6	831.0	794.1	818.8	536.8	443.5	642.3
Other assaults	858,385	659,619	207,613	104,283	89,627	82,742	89,462	85,892	126,089	72,677	291,021
Rate	471.4	511.9	591.0	530.2	444.6	430.4	449.7	581.0	363.7	391.6	387.2
Forgery and counterfeiting	71,268	55,133	12,374	9,373	9,404	7,810	8,961	7,211	10,653	5,482	26,353
Rate	39.1	42.8	35.2	47.7	46.7	40.6	45.0	48.8	30.7	29.5	35.1
Fraud	213,828	119,689	21,469	13,507	17,986	15,420	27,454	23,853	55,108	39,031	96,327
Rate	117.4	92.9	61.1	68.7	89.2	80.2	138.0	161.3	158.9	210.3	128.2
Embezzlement	12,577	9,748	1,977	2,021	1,948	1,443	1,437	922	2,044	785	4,459
Rate	6.9	7.6	5.6	10.3	9.7	7.5	7.2	6.2	5.9	4.2	5.9
Stolen property; buying, receiving, possessing	78,685	63,095	17,335	9,986	11,654	9,428	8,024	6,668	10,745	4,845	29,078
Rate	43.2	49.0	49.3	50.8	57.8	49.0	40.3	45.1	31.0	26.1	38.7
Vandalism	184,500	146,348	40,682	22,012	20,728	18,886	23,223	20,817	24,076	14,076	65,794
Rate	101.3	113.6	115.8	111.9	102.8	98.2	116.7	140.8	69.4	75.8	87.5
Weapons; carrying, possessing, etc.	105,341	84,047	31,858	13,438	11,454	9,442	8,673	9,182	14,866	6,428	34,116
Rate	57.9	65.2	90.7	68.3	56.8	49.1	43.6	62.1	42.9	34.6	45.4
Prostitution and commercialized vice	61,383	59,334	44,945	7,144	3,743	2,446	706	350	1,937	112	5,063
Rate	33.7	46.0	127.9	36.3	18.6	12.7	3.5	2.4	5.6	0.6	6.7

See footnotes at end of table.

Table 31

**Number and Rate of Arrests**  
by Population Group, 2000—Continued  
[Rate: Number of arrests per 100,000 inhabitants]

Offense charged	Total (9,017 agencies; population 182,090,101)	Total cities (6,440 cities, population 128,860,279)	Cities						Counties		Suburban area <sup>2</sup> (4,584 agencies; population 75,152,823)
			Group I (52 cities, 250,000 and over; population 35,131,894)	Group II (134 cities, 100,000 to 249,999; population 19,667,767)	Group III (299 cities, 50,000 to 99,999; population 20,157,728)	Group IV (558 cities, 25,000 to 49,999; population 19,225,425)	Group V (1,258 cities, 10,000 to 24,999; population 19,893,178)	Group VI (4,139 cities, under 10,000; population 14,784,287)	Suburban counties <sup>1</sup> (872 agencies; population 34,671,105)	Rural counties (1,705 agencies; population 18,558,717)	
Sex offenses (except forcible rape and prostitution)	61,172	45,520	19,139	6,896	6,098	4,564	4,656	4,167	10,469	5,183	19,600
Rate	33.6	35.3	54.5	35.1	30.3	23.7	23.4	28.2	30.2	27.9	26.1
Drug abuse violations	1,042,334	811,534	319,930	129,444	110,221	89,026	81,731	81,182	160,562	70,238	343,842
Rate	572.4	629.8	910.7	658.2	546.8	463.1	410.8	549.1	463.1	378.5	457.5
Gambling	7,197	6,077	3,707	457	759	306	301	547	590	530	1,424
Rate	4.0	4.7	10.6	2.3	3.8	1.6	1.5	3.7	1.7	2.9	1.9
Offenses against the family and children	91,297	46,632	7,239	4,631	9,813	7,958	9,975	7,016	33,224	11,441	49,694
Rate	50.1	36.2	20.6	23.5	48.7	41.4	50.1	47.5	95.8	61.6	66.1
Driving under the influence	926,096	592,745	120,856	72,550	85,862	87,300	110,064	116,113	214,435	118,916	426,662
Rate	508.6	460.0	344.0	368.9	426.0	454.1	553.3	785.4	618.5	640.8	567.7
Liquor laws	435,672	341,124	65,181	34,953	45,188	40,674	62,771	92,357	50,232	44,316	168,933
Rate	239.3	264.7	185.5	177.7	224.2	211.6	315.5	624.7	144.9	238.8	224.8
Drunkenness	423,310	354,725	92,271	54,654	58,983	50,348	51,143	47,326	42,886	25,699	138,559
Rate	232.5	275.3	262.6	277.9	292.6	261.9	257.1	320.1	123.7	138.5	184.4
Disorderly conduct	421,542	367,680	106,445	38,809	50,482	45,086	61,753	65,105	34,204	19,658	150,997
Rate	231.5	285.3	303.0	197.3	250.4	234.5	310.4	440.4	98.7	105.9	200.9
Vagrancy	21,988	20,040	11,053	1,951	2,301	1,077	1,515	2,143	1,434	514	4,910
Rate	12.1	15.6	31.5	9.9	11.4	5.6	7.6	14.5	4.1	2.8	6.5
All other offenses (except traffic)	2,411,162	1,798,993	547,565	257,342	265,944	231,741	247,995	248,406	394,504	217,665	891,861
Rate	1,324.2	1,396.1	1,558.6	1,308.4	1,319.3	1,205.4	1,246.6	1,680.2	1,137.8	1,172.8	1,186.7
Suspicion	3,704	3,248	15	229	955	329	765	955	251	205	1,510
Rate	2.0	2.5	0.0	1.2	4.7	1.7	3.8	6.5	0.7	1.1	2.0
Curfew and loitering law violations	105,683	100,865	52,255	7,403	12,990	8,770	10,777	8,670	3,949	869	22,608
Rate	58.0	78.3	148.7	37.6	64.4	45.6	54.2	58.6	11.4	4.7	30.1
Runaways	93,638	70,867	19,496	12,928	12,592	10,218	9,533	6,100	16,169	6,602	33,278
Rate	51.4	55.0	55.5	65.7	62.5	53.1	47.9	41.3	46.6	35.6	44.3

<sup>1</sup> Includes only suburban county law enforcement agencies.

<sup>2</sup> Includes only suburban city and county law enforcement agencies within metropolitan areas. Excludes central cities.  
Suburban cities and counties are also included in other groups.

<sup>3</sup> Does not include suspicion.

<sup>4</sup> Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.

<sup>5</sup> Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

<sup>6</sup> Includes arson.



Table 69

**Arrests**  
by State, 2000  
[2000 estimated population]

State	Total all classes <sup>1</sup>	Crime Index total <sup>2</sup>	Violent crime <sup>3</sup>	Property crime <sup>4</sup>	Murder and non- negligent man- slaughter	Forcible rape	Robbery	Aggra- vated assault	Burglary	Larceny- theft	Motor vehicle theft	Arson	Other assaults	Forgery and counter- feiting	Fraud
<b>ALABAMA:</b> 214 agencies; population 3,172,874															
Under 18	11,684	3,550	546	3,004	22	37	185	302	554	2,268	155	27	960	58	67
Total all ages	162,906	21,082	5,851	15,231	317	364	1,154	4,016	2,458	11,762	902	109	21,645	1,652	10,607
<b>ALASKA:</b> 28 agencies; population 569,591															
Under 18	5,953	2,279	197	2,082	2	16	36	143	344	1,543	188	7	602	13	13
Total all ages	36,718	5,743	1,204	4,539	21	82	122	979	576	3,568	371	24	4,255	89	237
<b>ARIZONA:</b> 71 agencies; population 4,648,179															
Under 18	57,491	13,357	1,586	11,771	16	20	277	1,273	1,819	8,664	1,107	181	4,645	99	129
Total all ages	299,846	45,546	8,187	37,359	214	215	1,425	6,333	4,390	29,041	3,658	270	24,618	2,041	1,885
<b>ARKANSAS:</b> 140 agencies; population 3,307,323															
Under 18	17,153	4,464	492	3,972	18	38	104	332	780	3,034	134	24	831	82	80
Total all ages	206,776	20,895	4,959	15,936	161	353	764	3,681	2,720	12,621	480	115	7,371	1,995	19,237
<b>CALIFORNIA:</b> 682 agencies; population 33,765,419															
Under 18	265,978	73,108	16,315	56,793	160	347	4,965	10,843	15,938	33,109	6,615	1,131	22,717	668	733
Total all ages	1,674,882	296,503	129,441	167,062	1,635	2,698	17,121	107,987	46,951	96,298	21,966	1,847	81,115	11,573	9,208
<b>COLORADO:</b> 142 agencies; population 3,253,449															
Under 18	48,636	10,729	891	9,838	6	74	205	606	991	7,570	1,074	203	2,998	112	133
Total all ages	241,572	31,644	5,171	26,473	110	415	671	3,975	2,469	21,410	2,278	316	20,142	1,319	1,985
<b>CONNECTICUT:</b> 92 agencies; population 2,572,850															
Under 18	20,983	5,183	788	4,395	3	35	209	541	615	3,300	418	62	2,692	42	72
Total all ages	132,482	19,637	4,527	15,110	69	214	944	3,300	2,075	11,888	994	153	14,889	720	1,422
<b>DELAWARE:</b> 52 agencies; population 394,890															
Under 18	7,374	2,033	463	1,570	3	44	90	326	332	1,129	66	43	1,243	41	115
Total all ages	36,739	7,629	2,304	5,325	27	229	422	1,626	1,080	3,982	165	98	5,683	697	2,288
<b>DISTRICT OF COLUMBIA*</b>															
<b>FLORIDA:</b> 517 agencies; population 15,689,964															
Under 18	124,845	50,042	10,025	40,017	50	368	2,222	7,385	9,648	25,763	4,358	248	17,757	277	697
Total all ages	881,709	176,993	53,963	123,030	679	2,216	9,147	41,921	26,050	84,181	12,260	539	92,859	5,085	12,343
<b>GEORGIA:</b> 267 agencies; population 3,929,264															
Under 18	28,235	7,604	1,250	6,354	62	46	304	838	969	4,780	549	56	2,781	118	187
Total all ages	250,502	39,225	11,423	27,802	358	403	1,979	8,683	4,527	20,558	2,505	212	19,716	3,160	9,700
<b>HAWAII:</b> 3 agencies; population 1,066,019															
Under 18	11,407	2,323	288	2,035	4	7	148	129	277	1,539	205	14	991	26	40
Total all ages	57,264	7,927	1,279	6,648	40	75	473	691	798	4,780	1,031	39	3,640	442	420
<b>IDAHO:</b> 117 agencies; population 1,277,060															
Under 18	19,491	4,441	296	4,145	3	22	15	256	602	3,314	180	49	1,432	57	62
Total all ages	79,810	9,511	1,368	8,143	15	96	83	1,174	1,182	6,474	399	88	7,200	484	712
<b>ILLINOIS:</b> 1 agency; population 2,866,191															
Under 18	45,896	12,297	3,120	9,177	67	140	1,091	1,822	1,351	3,864	3,876	86	6,754	1	718
Total all ages	253,967	51,267	10,317	40,950	531	627	2,995	6,164	4,119	25,309	11,301	221	33,794	22	5,730
<b>INDIANA:</b> 134 agencies; population 3,882,082															
Under 18	37,124	9,361	1,580	7,781	6	50	253	1,271	902	6,083	727	69	2,129	59	65
Total all ages	206,134	32,936	10,106	22,830	204	242	1,490	8,170	3,154	17,559	1,979	138	11,013	997	2,289

See footnotes at end of table.

Table 47

**Arrests**

City

of Persons Under 15, 18, 21, and 25 Years of Age, 2000

[6,440 agencies; 2000 estimated population 128,860,279]

Offense charged	Number of persons arrested					Percent of total all ages			
	Total all ages	Under 15	Under 18	Under 21	Under 25	Under 15	Under 18	Under 21	Under 25
<b>TOTAL</b>	<b>6,974,843</b>	<b>420,977</b>	<b>1,290,505</b>	<b>2,345,737</b>	<b>3,310,108</b>	<b>6.0</b>	<b>18.5</b>	<b>33.6</b>	<b>47.5</b>
Murder and nonnegligent manslaughter	6,366	88	645	2,074	3,466	1.4	10.1	32.6	54.4
Forcible rape	13,172	924	2,294	4,105	6,012	7.0	17.4	31.2	45.6
Robbery	62,919	4,511	16,354	29,957	39,449	7.2	26.0	47.6	62.7
Aggravated assault	246,959	13,100	35,696	64,940	100,957	5.3	14.5	26.3	40.9
Burglary	140,272	18,774	46,973	71,262	87,389	13.4	33.5	50.8	62.3
Larceny-theft	670,523	86,588	213,927	314,753	382,793	12.9	31.9	46.9	57.1
Motor vehicle theft	79,928	7,185	28,076	43,418	53,664	9.0	35.1	54.3	67.1
Arson	7,806	2,927	4,380	5,152	5,676	37.5	56.1	66.0	72.7
Violent crime <sup>1</sup>	329,416	18,623	54,989	101,076	149,884	5.7	16.7	30.7	45.5
Property crime <sup>2</sup>	898,529	115,474	293,356	434,585	529,522	12.9	32.6	48.4	58.9
Crime Index total <sup>3</sup>	1,227,945	134,097	348,345	535,661	679,406	10.9	28.4	43.6	55.3
Other assaults	659,619	54,487	123,230	192,562	282,024	8.3	18.7	29.2	42.8
Forgery and counterfeiting	55,133	431	3,414	12,618	22,056	0.8	6.2	22.9	40.0
Fraud	119,689	959	5,283	19,939	39,321	0.8	4.4	16.7	32.9
Embezzlement	9,748	57	1,047	3,202	4,849	0.6	10.7	32.8	49.7
Stolen property; buying, receiving, possessing	63,095	4,564	15,462	27,959	36,941	7.2	24.5	44.3	58.5
Vandalism	146,348	27,006	60,026	83,688	101,153	18.5	41.0	57.2	69.1
Weapons; carrying, possessing, etc.	84,047	6,918	20,827	37,260	51,311	8.2	24.8	44.3	61.1
Prostitution and commercialized vice	59,334	113	864	5,214	11,955	0.2	1.5	8.8	20.1
Sex offenses (except forcible rape and prostitution)	45,520	4,329	8,233	12,668	17,491	9.5	18.1	27.8	38.4
Drug abuse violations	811,534	18,600	110,854	266,156	395,867	2.3	13.7	32.8	48.8
Gambling	6,077	177	966	2,081	3,152	2.9	15.9	34.2	51.9
Offenses against the family and children	46,632	1,640	4,336	8,573	14,744	3.5	9.3	18.4	31.6
Driving under the influence	582,580	363	9,072	63,163	160,020	0.1	1.6	10.8	27.5
Liquor laws	341,124	8,096	76,196	231,536	256,675	2.4	22.3	67.9	75.2
Drunkenness	354,725	1,584	12,349	43,564	92,451	0.4	3.5	12.3	26.1
Disorderly conduct	367,680	36,729	96,288	152,218	208,607	10.0	26.2	41.4	56.7
Vagrancy	20,040	434	1,565	4,094	6,132	2.2	7.8	20.4	30.6
All other offenses (except traffic)	1,798,993	63,192	219,754	470,636	752,535	3.5	12.2	26.2	41.8
Suspicion	3,248	142	662	1,213	1,686	4.4	20.4	37.3	51.9
Curfew and loitering law violations	100,865	28,781	100,865	100,865	100,865	28.5	100.0	100.0	100.0
Runaways	70,867	28,278	70,867	70,867	70,867	39.9	100.0	100.0	100.0

<sup>1</sup> Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.<sup>2</sup> Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.<sup>3</sup> Includes arson.

Table 75

**Full-time Civilian Law Enforcement Employees as of October 31, 2000**

Percent of Total

by Population Group

[2000 estimated population]

Population group	Percent civilian employees	Population group	Percent civilian employees
<b>TOTAL AGENCIES: 13,535 agencies; population 264,813,489</b>	<b>29.4</b>	<b>GROUP IV</b> 743 cities, 25,000 to 49,999; population 25,673,349	21.3
<b>TOTAL CITIES: 10,386 cities; population 177,721,567</b>	<b>22.7</b>	<b>GROUP V</b> 1,795 cities, 10,000 to 24,999; population 28,276,838	20.1
<b>GROUP I</b> 68 cities, 250,000 and over; population 50,410,355	23.8	<b>GROUP VI</b> 7,243 cities, under 10,000; population 23,792,841	22.4
10 cities, 1,000,000 and over; population 23,597,803	23.6	<b>SUBURBAN COUNTIES</b> 879 agencies; population 56,867,728	39.4
22 cities, 500,000 to 999,999; population 14,230,170	23.3	<b>RURAL COUNTIES</b> 2,270 agencies; population 30,224,194	38.5
36 cities, 250,000 to 499,999; population 12,582,382	25.0	<b>SUBURBAN AREA<sup>1</sup></b> 6,357 agencies; population 108,189,602	32.8
<b>GROUP II</b> 161 cities, 100,000 to 249,999; population 23,931,099	24.2		
<b>GROUP III</b> 376 cities, 50,000 to 99,999; population 25,637,085	22.3		

<sup>1</sup> Includes suburban city and county law enforcement agencies within metropolitan areas. Excludes central cities. Suburban cities and counties are also included in other groups.

Florida Crime Index Rates Per 100,000 Inhabitants
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Year	Population	Index	Violent	Property	Murder	Forcible Rape	Robbery	Aggravated assault	Burglary	Larceny- Theft	Vehicle Theft
1960	4,951,560	2,704.6	223.4	2,481.2	10.6	8.1	80.9	123.7	807.1	1,486.5	187.6
1961	5,222,000	2,461.1	217.8	2,243.3	9.1	7.6	71.7	129.4	720.5	1,353.0	169.7
1962	5,459,000	2,537.4	192.1	2,345.3	7.7	5.8	63.3	115.3	743.3	1,433.7	168.3
1963	5,652,000	2,786.0	215.0	2,571.0	8.2	7.0	71.1	128.7	824.6	1,575.3	171.2
1964	5,705,000	3,358.1	289.9	3,068.2	8.6	10.3	86.9	184.1	963.3	1,898.5	206.4
1965	5,805,000	3,320.2	299.5	3,020.7	8.9	13.3	88.6	188.6	957.0	1,855.9	207.8
1966	5,941,000	3,716.3	337.8	3,378.5	10.3	14.7	99.9	213.0	1,057.7	2,077.5	243.3
1967	5,995,000	4,103.6	390.3	3,713.3	10.5	15.2	130.9	233.6	1,220.8	2,206.8	285.7
1968	6,160,000	4,498.5	453.1	4,045.4	11.9	18.1	159.9	263.3	1,327.0	2,398.5	319.9
1969	6,354,000	4,742.5	462.9	4,279.7	11.3	21.2	162.8	267.5	1,358.3	2,538.4	382.9
1970	6,789,443	5,317.2	498.2	4,819.0	12.7	22.2	186.1	277.2	1,561.8	2,860.6	396.6
1971	7,041,000	5,673.0	547.9	5,125.2	13.3	24.3	190.6	319.7	1,678.4	3,054.1	392.7
1972	7,259,000	5,376.9	554.5	4,822.3	12.7	26.4	189.4	326.0	1,605.1	2,851.1	366.1
1973	7,678,000	5,960.3	604.6	5,355.7	15.4	31.9	222.3	335.0	1,857.2	3,048.6	449.9
1974	8,090,000	7,387.3	677.6	6,709.7	14.7	36.0	275.2	351.8	2,287.3	3,939.5	482.9
1975	8,357,000	7,721.2	688.5	7,032.7	13.5	35.7	239.7	399.6	2,349.6	4,240.4	442.6
1976	8,421,000	7,016.7	648.3	6,368.4	10.7	36.3	186.4	415.0	1,954.7	4,074.0	339.7
1977	8,452,000	6,738.6	686.8	6,051.8	10.2	39.6	187.9	449.1	1,859.9	3,840.5	351.4
1978	8,594,000	7,069.5	765.6	6,303.9	11.0	46.1	206.0	502.5	1,978.8	3,936.5	388.6
1979	8,860,000	7,688.1	833.9	6,854.2	12.2	51.6	249.4	520.6	2,154.4	4,267.5	432.3
1980	9,567,112	8,402.0	983.5	7,418.4	14.5	56.9	355.5	556.6	2,506.8	4,434.2	477.5
1981	10,166,000	8,032.5	965.1	7,067.4	15.0	56.1	348.9	545.0	2,375.9	4,241.8	449.7
1982	10,416,000	7,465.2	896.8	6,568.4	13.5	53.6	297.6	532.0	2,034.7	4,103.9	429.8
1983	10,680,000	6,781.1	826.7	5,954.4	11.2	48.4	263.4	503.7	1,796.8	3,752.8	404.8
1984	10,976,000	6,821.2	868.0	5,953.3	11.5	50.7	276.2	529.6	1,808.0	3,718.6	426.7
1985	11,366,000	7,574.2	941.1	6,633.1	11.4	52.8	312.4	564.5	2,009.5	4,098.1	525.5
1986	11,675,000	8,228.4	1,036.5	7,191.9	11.7	52.7	366.8	605.3	2,221.3	4,372.6	598.1
1987	12,023,000	8,503.2	1,024.4	7,478.7	11.4	50.2	356.6	606.3	2,256.9	4,545.2	676.7
1988	12,377,000	8,937.6	1,117.7	7,819.9	11.4	49.7	403.3	653.3	2,294.3	4,760.6	766.1
1989	12,671,000	8,804.5	1,109.4	7,695.1	11.1	49.7	404.0	644.6	2,282.8	4,606.6	805.7
1990	12,937,926	8,810.8	1,244.3	7,566.5	10.7	52.4	416.8	764.4	2,170.6	4,569.6	826.3
1991	13,277,000	8,547.2	1,184.3	7,362.9	9.4	51.7	399.8	723.4	2,005.8	4,573.5	783.6
1992	13,488,000	8,358.2	1,207.2	7,151.0	9.0	54.2	366.9	777.2	1,888.8	4,434.3	828.0
1993	13,679,000	8,351.0	1,206.0	7,145.0	8.9	53.8	357.6	785.7	1,835.4	4,413.9	895.7
1994	13,953,000	8,250.0	1,146.8	7,103.2	8.3	52.3	328.8	757.4	1,701.0	4,490.6	911.5
1995	14,166,000	7,701.5	1,071.0	6,630.6	7.3	48.6	299.9	715.1	1,522.4	4,322.4	785.8
1996	14,400,000	7,497.4	1,051.0	6,446.3	7.5	52.1	289.2	702.2	1,521.2	4,204.5	720.6
1997	14,654,000	7,271.8	1,023.6	6,248.2	6.9	51.9	276.1	688.7	1,459.8	4,056.9	731.5
1998	14,916,000	6,886.0	938.7	5,947.4	6.5	49.6	242.7	639.9	1,361.7	3,886.8	698.9
1999	15,111,244	6,205.4	854.0	5,351.5	5.7	46.3	211.6	590.5	1,200.3	3,534.5	616.7
2000	15,982,378	5,694.7	812.0	4,882.7	5.6	44.2	199.0	563.2	1,081.8	3,242.9	558.0

In the year 2000 Florida had an estimated population of 15,982,378 which ranked the state 4th in population. For that year the State of Florida had a total Crime Index of 5,694.7 reported incidents per

100,000 people. This ranked the state as having the 2nd highest total Crime Index. For Violent Crime Florida had a reported incident rate of 812.0 per 100,000 people. This ranked the state as having the 1st highest occurrence for Violent Crime among the states. For crimes against Property, the state had a reported incident rate of 4,882.7 per 100,000 people, which ranked as the state 3rd highest. Also in the year 2000 Florida had 5.6 Murders per 100,000 people, ranking the state as having the 21st highest rate for Murder. Florida's 44.2 reported Forced Rapes per 100,000 people, ranked the state 7th highest. For Robbery, per 100,000 people, Florida's rate was 199.0 which ranked the state as having the 5th highest for Robbery. The state also had 563.2 Aggravated Assaults for every 100,000 people, which indexed the state as having the 2nd highest position for this crime among the states. For every 100,000 people there were 1,081.8 Burglaries, which ranks Florida as having the 3rd highest standing among the states. Larceny - Theft were reported 3,242.9 times per hundred thousand people in Florida which standing is the 5th highest among the states. Vehicle Theft occurred 558.0 times per 100,000 people, which fixed the state as having the 5th highest for vehicle theft among the states.

## SECTION VI

### Law Enforcement Personnel

As of October 31, 2000, law enforcement agencies across the Nation employed an average of 2.5 full-time officers for every 1,000 inhabitants. When full-time civilian employees were included, the rate was 3.5 per 1,000 inhabitants. The 13,535 city, county, and state police agencies reporting in 2000 collectively employed 654,601 officers and 271,982 civilian employees and provided law enforcement service to approximately 265 million of the Nation's inhabitants. Table 77 provides a listing of reported full-time law enforcement officers and civilian employees by state.

Varying demographic traits as well as other jurisdictional characteristics greatly affect the requirements for law enforcement service from one locale to another. The needs of a community having a highly mobile or seasonal population, for example, may be very different from those of a city whose population is relatively stable. Similarly, a small community situated between two large cities may require a greater number of law enforcement personnel than a community of the same size which has no urban center nearby.

The functions of law enforcement are also significantly diverse throughout the Nation. In certain areas, sheriffs' responsibilities are limited almost exclusively to civil functions and/or the administration of the county jail facilities. Likewise, the responsibilities of state police and highway patrol agencies vary from one jurisdiction to another.

In view of these differing service requirements and responsibilities, care should be used when attempting any comparison of law enforcement employee rates. The rates presented in the following tables represent national averages; they should be viewed as guides or indicators, not as recommended or preferred police strengths. Adequate personnel for a specific locale can be determined only after careful study and analysis of the various conditions affecting service requirements in that jurisdiction.

There were an average of 3.1 law enforcement employees per 1,000 inhabitants in the Nation's cities collectively. Cities with populations of 1 million and over had the highest rate with 4.8 employees per 1,000. Suburban and rural counties each had a rate of 4.3 employees per 1,000 population. (See Table 74.)

By region, the law enforcement employee rate was 3.5 per 1,000 inhabitants in both the Northeast and in the

South, 2.8 in the Midwest, and 2.5 in the West. (See Table 70.)

#### Sworn Personnel

When based solely on sworn law enforcement personnel (excluding civilians), the national rate for all cities was 2.4 officers per 1,000 inhabitants. By city population grouping, the rates ranged from 3.7 for cities with populations of 1 million and over to 1.8 in cities with 25,000 to 99,999 inhabitants. Suburban and rural counties each had a rate of 2.6 officers per 1,000 in population. (See Table 74.)

By region, the Northeastern States had the highest rate of sworn officers to population, 2.8 per 1,000. This rate was followed by the Southern States with 2.7, the Midwestern States with 2.2, and the Western States with 1.8 officers per 1,000 inhabitants.

Males made up 89.0 of all sworn officers nationally and 89.1 percent of all sworn officers in cities. Men accounted for 91.9 percent of sworn officers in rural counties and 87.2 percent in suburban counties.

#### Civilian Employees

Civilians constituted 29.4 percent of the total law enforcement employee force in the United States in 2000 and represented 22.7 percent of the police employees in cities. Civilian employees comprised 39.4 percent in suburban counties and 38.5 percent in rural counties. Females accounted for 62.7 percent of all civilian employees.

#### Law Enforcement Officers Killed and Assaulted

Fifty-one law enforcement officers were feloniously slain in the line of duty in 2000, nine more than in the previous year. An additional 84 officers were accidentally killed during the performance of their official duties in 2000—19 higher than the 1999 total of 65 officers accidentally killed.

Extensive data on line-of-duty deaths and assaults on city, county, state, and federal officers can be found in the Uniform Crime Reports publication, *Law Enforcement Officers Killed and Assaulted*.

Table 70

**Full-time Law Enforcement Employees<sup>1</sup> as of October 31, 2000**

Number and Rate per 1,000 Inhabitants

by Geographic Region and Division by Population Group

[2000 estimated population]

Geographic region/division	Total (10,386 cities; population 177,721,567)	Population group					
		Group I (68 cities, 250,000 and over; population 50,410,355)	Group II (161 cities, 100,000 to 249,999; population 23,931,099)	Group III (376 cities, 50,000 to 99,999; population 25,637,085)	Group IV (743 cities, 25,000 to 49,999; population 25,673,349)	Group V (1,795 cities, 10,000 to 24,999; population 28,276,838)	Group VI (7,243 cities, under 10,000; population 23,792,841)
<b>TOTAL: 10,386 cities; population 177,721,567:</b>							
Number of employees	550,971	205,032	60,802	59,338	59,491	68,251	98,057
Average number of employees per 1,000 inhabitants	3.1	4.1	2.5	2.3	2.3	2.4	4.1
<b>New England: 739 cities; population 12,289,904:</b>							
Number of employees	32,822	2,850	4,768	6,348	6,809	7,021	5,026
Average number of employees per 1,000 inhabitants	2.7	5.0	3.6	2.5	2.3	2.2	2.9
<b>Middle Atlantic: 1,634 cities; population 29,716,708:</b>							
Number of employees	116,000	67,305	4,706	8,492	10,781	12,233	12,483
Average number of employees per 1,000 inhabitants	3.9	6.6	3.4	2.6	2.4	2.1	2.7
<b>NORTHEAST: 2,373 cities; population 42,006,612:</b>							
Number of employees	148,822	70,155	9,474	14,840	17,590	19,254	17,509
Average number of employees per 1,000 inhabitants	3.5	6.6	3.5	2.5	2.4	2.1	2.8
<b>East North Central: 2,009 cities; population 31,395,010:</b>							
Number of employees	91,268	31,543	6,961	10,524	12,126	14,525	15,589
Average number of employees per 1,000 inhabitants	2.9	4.5	2.5	2.2	2.2	2.3	3.2
<b>West North Central: 888 cities; population 11,883,121:</b>							
Number of employees	29,143	7,563	3,246	3,154	3,785	4,786	6,609
Average number of employees per 1,000 inhabitants	2.5	3.5	2.3	1.7	1.9	2.2	2.9
<b>MIDWEST: 2,897 cities; population 43,278,131:</b>							
Number of employees	120,411	39,106	10,207	13,678	15,911	19,311	22,198
Average number of employees per 1,000 inhabitants	2.8	4.3	2.4	2.1	2.1	2.2	3.2
<b>South Atlantic: 1,699 cities; population 20,413,748:</b>							
Number of employees	82,597	19,671	12,563	10,216	7,635	10,615	21,897
Average number of employees per 1,000 inhabitants	4.0	4.4	3.1	3.1	3.2	3.4	6.8
<b>East South Central: 930 cities; population 8,889,213:</b>							
Number of employees	34,521	6,547	4,395	1,983	3,868	5,341	12,387
Average number of employees per 1,000 inhabitants	3.9	3.9	2.9	3.2	2.9	3.0	6.2
<b>West South Central: 1,178 cities; population 21,362,243:</b>							
Number of employees	61,531	23,298	7,754	5,683	5,673	6,785	12,338
Average number of employees per 1,000 inhabitants	2.9	2.9	2.4	2.3	2.4	2.6	4.7
<b>SOUTH: 3,807 cities; population 50,665,204:</b>							
Number of employees	178,649	49,516	24,712	17,882	17,176	22,741	46,622
Average number of employees per 1,000 inhabitants	3.5	3.5	2.8	2.8	2.8	3.0	6.0
<b>Mountain: 562 cities; population 12,617,051:</b>							
Number of employees	33,527	13,948	5,733	2,832	2,379	3,001	5,634
Average number of employees per 1,000 inhabitants	2.7	2.9	2.1	2.0	2.1	2.5	4.4
<b>Pacific: 747 cities; population 29,154,569:</b>							
Number of employees	69,562	32,307	10,676	10,106	6,435	3,944	6,094
Average number of employees per 1,000 inhabitants	2.4	2.8	1.9	1.9	1.9	2.0	4.7
<b>WEST: 1,309 cities; population 41,771,620:</b>							
Number of employees	103,089	46,255	16,409	12,938	8,814	6,945	11,728
Average number of employees per 1,000 inhabitants	2.5	2.8	2.0	1.9	2.0	2.2	4.5
<b>Suburban Area and County<sup>2</sup></b>							
<b>Suburban Area: 6,357 agencies; population 108,189,602:</b>			<b>County: 3,149 agencies; population 87,091,922:</b>				
Number of employees	395,878		Number of employees				375,612
Average number of employees per 1,000 inhabitants	3.7		Average number of employees per 1,000 inhabitants				4.3

<sup>1</sup> Includes civilians.<sup>2</sup> Suburban area includes suburban city and county law enforcement agencies within metropolitan areas. Excludes central cities. Suburban cities and counties are also included in other groups. County includes total of suburban and rural counties.

Table 71

**Full-time Law Enforcement Officers as of October 31, 2000**  
 Number and Rate per 1,000 Inhabitants  
 by Geographic Region and Division by Population Group  
 [2000 estimated population]

Geographic region/division	Total (10,386 cities; population 177,721,567)	Population group					
		Group I (68 cities, 250,000 and over; population 50,410,355)	Group II (161 cities, 100,000 to 249,999; population 23,931,099)	Group III (376 cities, 50,000 to 99,999; population 25,637,085)	Group IV (743 cities, 25,000 to 49,999; population 25,673,349)	Group V (1,795 cities, 10,000 to 24,999; population 28,276,838)	Group VI (7,243 cities, under 10,000; population 23,792,841)
<b>TOTAL: 10,386 cities; population 177,721,567:</b>							
Number of officers	425,860	156,205	46,100	46,080	46,836	54,533	76,106
Average number of officers per 1,000 inhabitants	2.4	3.1	1.9	1.8	1.8	1.9	3.2
<b>New England: 739 cities; population 12,289,904:</b>							
Number of officers	26,966	2,189	3,930	5,459	5,694	5,776	3,918
Average number of officers per 1,000 inhabitants	2.2	3.8	3.0	2.1	1.9	1.8	2.2
<b>Middle Atlantic: 1,634 cities; population 29,716,708:</b>							
Number of officers	91,718	50,261	4,014	7,081	9,091	10,465	10,806
Average number of officers per 1,000 inhabitants	3.1	5.0	2.9	2.1	2.0	1.8	2.3
<b>NORTHEAST: 2,373 cities; population 42,006,612:</b>							
Number of officers	118,684	52,450	7,944	12,540	14,785	16,241	14,724
Average number of officers per 1,000 inhabitants	2.8	4.9	2.9	2.1	2.0	1.8	2.3
<b>East North Central: 2,009 cities; population 31,395,010:</b>							
Number of officers	74,586	26,796	5,671	8,358	9,472	11,551	12,738
Average number of officers per 1,000 inhabitants	2.4	3.8	2.0	1.8	1.7	1.8	2.7
<b>West North Central: 888 cities; population 11,883,121:</b>							
Number of officers	22,689	5,508	2,547	2,518	2,947	3,804	5,365
Average number of officers per 1,000 inhabitants	1.9	2.6	1.8	1.4	1.5	1.7	2.4
<b>MIDWEST: 2,897 cities; population 43,278,131:</b>							
Number of officers	97,275	32,304	8,218	10,876	12,419	15,355	18,103
Average number of officers per 1,000 inhabitants	2.2	3.5	1.9	1.7	1.6	1.8	2.6
<b>South Atlantic: 1,699 cities; population 20,413,748:</b>							
Number of officers	63,364	14,840	9,501	7,760	5,789	8,335	17,139
Average number of officers per 1,000 inhabitants	3.1	3.4	2.4	2.4	2.4	2.7	5.4
<b>East South Central: 930 cities; population 8,889,213:</b>							
Number of officers	25,250	4,620	3,260	1,506	3,119	4,178	8,567
Average number of officers per 1,000 inhabitants	2.8	2.8	2.2	2.4	2.3	2.4	4.3
<b>West South Central: 1,178 cities; population 21,362,243:</b>							
Number of officers	46,861	18,046	5,862	4,399	4,297	5,242	9,015
Average number of officers per 1,000 inhabitants	2.2	2.3	1.8	1.8	1.8	2.0	3.4
<b>SOUTH: 3,807 cities; population 50,665,204:</b>							
Number of officers	135,475	37,506	18,623	13,665	13,205	17,755	34,721
Average number of officers per 1,000 inhabitants	2.7	2.7	2.1	2.1	2.1	2.4	4.4
<b>Mountain: 562 cities; population 12,617,051:</b>							
Number of officers	23,963	9,913	3,960	2,010	1,755	2,249	4,076
Average number of officers per 1,000 inhabitants	1.9	2.1	1.4	1.4	1.5	1.9	3.2
<b>Pacific: 747 cities; population 29,154,569:</b>							
Number of officers	50,463	24,032	7,355	6,989	4,672	2,933	4,482
Average number of officers per 1,000 inhabitants	1.7	2.1	1.3	1.3	1.4	1.5	3.4
<b>WEST: 1,309 cities; population 41,771,620:</b>							
Number of officers	74,426	33,945	11,315	8,999	6,427	5,182	8,558
Average number of officers per 1,000 inhabitants	1.8	2.1	1.4	1.3	1.4	1.7	3.3
<b>Suburban Area and County<sup>1</sup></b>							
<b>Suburban Area: 6,357 agencies; population 108,189,602:</b>			<b>County: 3,149 agencies; population 87,091,922:</b>				
Number of officers		266,124	Number of officers				228,741
Average number of officers per 1,000 inhabitants		2.5	Average number of officers per 1,000 inhabitants				2.6

<sup>1</sup> Suburban area includes suburban city and county law enforcement agencies within metropolitan areas. Excludes central cities. Suburban cities and counties are also included in other groups. County includes total of suburban and rural counties.



Table 72

**Full-time Law Enforcement Employees<sup>1</sup> as of October 31, 2000**

Range in Rate per 1,000 Inhabitants

by Population Group

[2000 estimated population]

Rate range		Total <sup>2</sup> (9,582 cities; population 177,721,567)	Group I (68 cities, 250,000 and over; population 50,410,355)	Group II (161 cities, 100,000 to 249,999; population 23,931,099)	Group III (376 cities, 50,000 to 99,999; population 25,637,085)	Group IV (743 cities, 25,000 to 49,999; population 25,673,349)	Group V (1,795 cities, 10,000 to 24,999; population 28,276,838)	Group VI (6,439 cities, under 10,000; population 23,792,841)
.1-.5	Number	114	—	—	2	—	10	102
	Percent	1.2	—	—	0.5	—	0.6	1.6
.6-1.0	Number	412	—	—	2	10	51	349
	Percent	4.3	—	—	0.5	1.3	2.8	5.4
1.1-1.5	Number	1,041	1	9	37	87	177	730
	Percent	10.9	1.5	5.6	9.8	11.7	9.9	11.3
1.6-2.0	Number	1,777	6	46	122	204	374	1,025
	Percent	18.5	8.8	28.6	32.4	27.5	20.8	15.9
2.1-2.5	Number	1,931	12	46	108	219	508	1,038
	Percent	20.2	17.6	28.6	28.7	29.5	28.3	16.1
2.6-3.0	Number	1,396	14	21	54	112	331	864
	Percent	14.6	20.6	13.0	14.4	15.1	18.4	13.4
3.1-3.5	Number	953	12	21	24	53	170	673
	Percent	9.9	17.6	13.0	6.4	7.1	9.5	10.5
3.6-4.0	Number	569	6	11	11	33	84	424
	Percent	5.9	8.8	6.8	2.9	4.4	4.7	6.6
4.1-4.5	Number	362	7	4	7	15	42	287
	Percent	3.8	10.3	2.5	1.9	2.0	2.3	4.5
4.6-5.0	Number	246	2	3	7	5	22	207
	Percent	2.6	2.9	1.9	1.9	0.7	1.2	3.2
5.1 and over	Number	781	8	—	2	5	26	740
	Percent	8.2	11.8	—	0.5	0.7	1.4	11.5
<b>Total</b>		<b>9,582</b>	<b>68</b>	<b>161</b>	<b>376</b>	<b>743</b>	<b>1,795</b>	<b>6,439</b>
<b>Percent<sup>3</sup></b>		<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

<sup>1</sup> Includes civilians.<sup>2</sup> The number of agencies used to compile these figures differs from the other Law Enforcement Employee tables because agencies with no resident population are excluded from this table.<sup>3</sup> Because of rounding, percentages may not add to totals.

Table 73

**Full-time Law Enforcement Officers as of October 31, 2000**

Range in Rate per 1,000 Inhabitants

by Population Group

[2000 estimated population]

Rate range		<b>Total<sup>1</sup></b> <b>(9,582 cities;</b> <b>population</b> <b>177,721,567)</b>	Group I (68 cities, 250,000 and over; population 50,410,355)	Group II (161 cities, 100,000 to 249,999; population 23,931,099)	Group III (376 cities, 50,000 to 99,999; population 25,637,085)	Group IV (743 cities, 25,000 to 49,999; population 25,673,349)	Group V (1,795 cities, 10,000 to 24,999; population 28,276,838)	Group VI (6,439 cities, under 10,000; population 23,792,841)
.1-.5	Number	125	—	—	2	—	14	109
	Percent	1.3	—	—	0.5	—	0.8	1.7
.6-1.0	Number	576	—	5	22	52	90	407
	Percent	6.0	—	3.1	5.9	7.0	5.0	6.3
1.1-1.5	Number	1,830	6	57	126	211	398	1,032
	Percent	19.1	8.8	35.4	33.5	28.4	22.2	16.0
1.6-2.0	Number	2,535	22	44	127	272	642	1,428
	Percent	26.5	32.4	27.3	33.8	36.6	35.8	22.2
2.1-2.5	Number	1,745	12	28	58	119	363	1,165
	Percent	18.2	17.6	17.4	15.4	16.0	20.2	18.1
2.6-3.0	Number	1,026	11	14	23	53	170	755
	Percent	10.7	16.2	8.7	6.1	7.1	9.5	11.7
3.1-3.5	Number	614	7	10	9	27	72	489
	Percent	6.4	10.3	6.2	2.4	3.6	4.0	7.6
3.6-4.0	Number	328	2	3	7	6	28	282
	Percent	3.4	2.9	1.9	1.9	0.8	1.6	4.4
4.1-4.5	Number	199	2	—	1	—	9	187
	Percent	2.1	2.9	—	0.3	—	0.5	2.9
4.6-5.0	Number	130	3	—	1	1	5	120
	Percent	1.4	4.4	—	0.3	0.1	0.3	1.9
5.1 and over	Number	474	3	—	—	2	4	465
	Percent	4.9	4.4	—	—	0.3	0.2	7.2
<b>Total</b>	<b>Number</b>	<b>9,582</b>	<b>68</b>	<b>161</b>	<b>376</b>	<b>743</b>	<b>1,795</b>	<b>6,439</b>
<b>Percent<sup>2</sup></b>	<b>Percent</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

<sup>1</sup> The number of agencies used to compile these figures differs from the other Law Enforcement Officer tables because agencies with no resident population are excluded from this table.

<sup>2</sup> Because of rounding, percentages may not add to totals.